



# ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: XLV

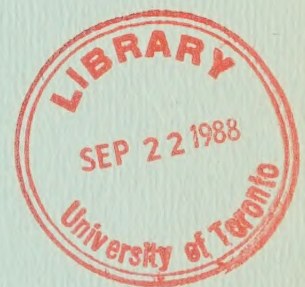
DATE: September 8th, 1988

BEFORE:

M.I. JEFFERY, Q.C., Chairman

E. MARTEL, Member

A. KOVEN, Member



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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL  
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR  
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental  
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental  
Assessment for Timber Management on Crown  
Lands in Ontario;

- and -

IN THE MATTER of an Order-in-Council  
(O.C. 2449/87) authorizing the  
Environmental Assessment Board to  
administer a funding program, in  
connection with the environmental  
assessment hearing with respect to the  
Timber Management Class  
Environmental Assessment, and to  
distribute funds to qualified  
participants.

-----  
Hearing held at the Ramada Prince Arthur  
Hotel, 17 North Cumberland St., Thunder  
Bay, Ontario, on Wednesday, September 8th,  
1988, commencing at 8:30 a.m.

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VOLUME XLV

BEFORE:

MR. MICHAEL I. JEFFERY, Q.C.	Chairman
MR. ELIE MARTEL	Member
MRS. ANNE KOVEN	Member





A P P E A R A N C E S


MR. V. FREIDIN, Q.C.)	MINISTRY OF NATURAL
MS. C. BLASTORAH )	RESOURCES
MS. K. MURPHY )	
MR. B. CAMPBELL )	MINISTRY OF ENVIRONMENT
MS. J. SEABORN )	
MR. R. TUER, Q.C.)	ONTARIO FOREST INDUSTRY
MR. R. COSMAN )	ASSOCIATION and ONTARIO
MS. E. CRONK )	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY )	ASSOCIATION
MR. J. WILLIAMS, Q.C.	ONTARIO FEDERATION OF
	ANGLERS & HUNTERS
MR. D. HUNTER	NISHNAWBE-ASKI NATION
	and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI)	
MS. M. SWENARCHUK )	FORESTS FOR TOMORROW
MR. R. LINDGREN )	
MR. P. SANFORD )	KIMBERLY-CLARK OF CANADA
MS. L. NICHOLLS)	LIMITED and SPRUCE FALLS
MR. D. WOOD )	POWER & PAPER COMPANY
MR. D. MacDONALD	ONTARIO FEDERATION OF
	LABOUR
MR. R. COTTON	BOISE CASCADE OF CANADA
	LTD.
MR. Y. GERVAIS)	ONTARIO TRAPPERS
MR. R. BARNES )	ASSOCIATION
MR. R. EDWARDS )	NORTHERN ONTARIO TOURIST
MR. B. McKERCHER)	OUTFITTERS ASSOCIATION
MR. L. GREENSPOON)	NORTHWATCH
MS. B. LLOYD )	





APPEARANCES: (Cont'd)

MR. J.W. ERICKSON, Q.C.)	RED LAKE-EAR FALLS JOINT
MR. B. BABCOCK )	MUNICIPAL COMMITTEE
MR. D. SCOTT )	NORTHWESTERN ONTARIO
MR. J.S. TAYLOR)	ASSOCIATED CHAMBERS OF COMMERCE
MR. J.W. HARBELL)	GREAT LAKES FOREST
MR. S.M. MAKUCH )	
MR. J. EBBS	ONTARIO PROFESSIONAL FORESTERS ASSOCIATION
MR. D. KING	VENTURE TOURISM ASSOCIATION OF ONTARIO
MR. D. COLBORNE	GRAND COUNCIL TREATY #3
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MR. H. GRAHAM	CANADIAN INSTITUTE OF FORESTRY (CENTRAL ONTARIO SECTION)
MR. G.J. KINLIN	DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC	MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES	ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI	BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY
MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON



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APPEARANCES: (Cont'd)

MR. C. BRUNETTA

NORTHWESTERN ONTARIO  
TOURISM ASSOCIATION





I N D E X   O F   P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>JOHN R.E. KENRICK,</u> <u>M. MELVIN CRYSTAL, Resumed</u>	7626
Continued Cross-Examination by Mr. Williams	7626
<u>Submissions re: Proposed Site Visit</u>	7675





(v)

I N D E X   O F   E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
216	Photograph presented by Panel No. 6.	7626





1 ---Upon commencing at 8:30 a.m.

2 THE CHAIRMAN: Thank you, good morning.  
3 Please be seated.

4 Mr. Freidin?

5 MR. FREIDIN: Mr. Chairman, you have a  
6 document. I have taken the liberty of putting it on  
7 the table in front of you. It is a photograph used by  
8 Panel No. 6.

9 THE CHAIRMAN: Very well.

10 MR. FREIDIN: Perhaps it should be marked  
11 as an exhibit. I have already handed it out to the  
12 other people here.

13 THE CHAIRMAN: That will be Exhibit, I  
14 believe, 216.

15 MR. FREIDIN: Thank you.

16 ---EXHIBIT NO. 216: Photograph presented by Panel No.  
17 6.

18 THE CHAIRMAN: Mr. Williams?

19 MR. WILLIAMS: Thank you, Mr. Chairman.

20 JOHN R. KENRICK,  
21 M. MELVIN CRYSTAL, Resumed

22 CONTINUED CROSS-EXAMINATION BY MR. WILLIAMS:

23 Q. Mr. Kenrick, I would like to spend a  
24 few minutes this morning discussing with you the  
25 contents of your report, The Ontario Overview.

1                   If you turn to page 51 of the statement  
2 of evidence, under the topic of the area of the  
3 undertaking in your report you make an interesting  
4 statistical observation. You state that:

5                   . "In any one year about 200,000 hectares  
6 are harvested. This constitutes about .7  
7 per cent of the production forest in the  
8 area of the undertaking. The Board  
9 considers the effect of all timber  
10 management activities including  
11 regeneration and maintenance to areas  
12 previously harvested and the construction  
13 of access roads in areas to be harvested  
14 in the future. Timber management  
15 activities occur on about 5 per cent of  
16 the area of the productive forest at any  
17 point in time."

18                  Do you consider that last statement  
19 realistic, given that the factors you applied to that  
20 do not take into account the timber cycle as defined by  
21 your own Ministry?

22                  MR. KENRICK: A. Could you clarify how  
23 you are using the term 'timber cycle'?

24                  Q. From the time of harvesting to the  
25 time that the forest is restored to its state prior to



1 harvest?

2 A. From the time it is harvested to the  
3 time that it's back being mature. I assume that's what  
4 you mean in a general sense.

5 Q. That's right.

6 A. That wasn't the way the data was  
7 used. The 5 per cent at best is a generalization. I  
8 mentioned it includes the area accessed in advance of  
9 the harvest and areas that are generally under renewal,  
10 but I think the areas that are considered in there to  
11 be generally under renewal would be, perhaps the first  
12 few years after harvesting, say to a free to grow  
13 stage or something resembling that, not until a hundred  
14 year old forest becomes a hundred year old forest  
15 again.

16 Q. Assuming you take the middle road  
17 position of the free to grow state, how many years are  
18 we talking then?

19 A. It would depend on the age of the  
20 stand you are cutting. I think best to ask a forester  
21 that. I just don't -- the way I was using the data was  
22 not intended to say the impact that we are talking  
23 about is any change from the natural forest we cut the  
24 first time until it is back to being a very similar  
25 type forest.

1 Q. Isn't that a valid consideration that  
2 should have been part of your assessment of that 5 per  
3 cent?

4 A. I don't think so. I think I would  
5 consider the forest that's 10 years old to be natural  
6 in a funny sense. Most of the impacts of the harvest I  
7 think are removed by that time point in time.

8 Q. It is not available for harvesting at  
9 that point in time; is it?

10 A. Usually not, no.

11 Q. My understanding is that the time  
12 cycle on average as estimated by your Ministry would be  
13 75 years. You have indicated it was something less  
14 than that if the free to grow cycle was brought into  
15 play yet you haven't been able to give me a figure in  
16 years as to what time frame we are talking about.

17 MR. FREIDIN: Mr. Chairman, I don't  
18 recall in the evidence given by the Ministry that said  
19 75 years was the average age of a mature forest. There  
20 were different rotation periods given for different  
21 types of species, but no evidence the way I think it  
22 was put by Mr. Williams.

23 MR. WILLIAMS: It is my understanding  
24 that that time frame was mentioned on several occasions  
25 by witnesses in Panel 4 and 2.

1 MR. KENRICK: That may well be your  
2 understanding. That's wasn't the definition I used of  
3 impact when I put these figures together.

4 Q. Given that to be the situation, would  
5 it not be a valid consideration to incorporate at least  
6 the early stages of the regeneration period into what  
7 you have determined to be the period of time  
8 necessary -- the period of time it takes the production  
9 forest to come back into production?

10 MR. KENRICK: A. Some people might, I  
11 wouldn't. I believe --

12 Q. Why?

13 A. In this case - and I think subsequent  
14 panels will address it - is most of the immediate  
15 impact of forestry is of much shorter term duration  
16 than the time it takes for the forest to come back into  
17 production and that's the approach I believe we have  
18 used with these numbers.

19 Q. I would like to turn to that section  
20 of your report dealing with planned resources. I  
21 direct your attention to page 56 of your statement of  
22 evidence wherein you state that the complex pattern of  
23 soil types and bedrock influences the type of forest  
24 growing. You state that it determines the location of  
25 available gravel for road building and, to some extent,



1 influences the methods of harvesting; is that correct?

2 A. That's correct.

3 Q. Mr. Kenrick, can you be more explicit  
4 about your comment that methods of harvesting can be  
5 influenced, to some extent, by the complex pattern of  
6 soil types and bedrock?

7 A. I think it affects -and I will give  
8 you some illustrations and if you want more than that,  
9 I suggest you ask one of the foresters on a subsequent  
10 panel that talks about impact of access, harvest  
11 renewal and maintenance - but it has been my  
12 observation that working, for instance, in the clay  
13 belt environment, that changes the nature of the  
14 equipment that's used from time to time.

15 Equipment with high-flotation tires on  
16 wet sites. It changes the nature -- and I believe it  
17 was brought out in cross yesterday of some of the types  
18 and methods that are used for scarification or site  
19 prep.

20 If you wish a discussion on particular  
21 pieces of equipment or logging methods, that will come  
22 up subsequent, I believe.

23 Q. Would you agree that the very act of  
24 harvesting immediately raises the problem of soil  
25 instability?

1 A. Not necessarily.

2 Q. Is it a factor?

3 A. I believe so, but it would depend on  
4 the site. Again, I believe with that line of  
5 questioning there is a panel that will talk about  
6 harvesting methods and their impacts and the mitigating  
7 effects the Ministry takes on it.

8 Q. Still staying within the general  
9 topic of soils and soil conditions, and the fact that  
10 you have acknowledged that disturbance of the soil by  
11 timber harvesting can create some degree of  
12 instability, could you at least advise the Board if the  
13 extent and rapidity of soil eroding, soil compaction,  
14 soil depletion and loss of nutrients is largely  
15 dependent on soil types, or do you feel that you are  
16 not qualified to answer that question?

17 A. I would say I wasn't qualified.

18 Q. Are you able to advise whether the  
19 method of harvesting would have some modifying  
20 influence on any of those identified negative impacts  
21 related to soils?

22 A. The potential for some of those I  
23 think would have a modifying influence on forestry and  
24 the methods used.

25 Q. Do you have available a blow-up of

1 Figure 8 on page 55. Perhaps you know it so well you  
2 can tell me what the small print says. Unfortunately,  
3 I can't make it out.

4 There are, as I see it, five different  
5 soil types in the surface geology of Ontario that  
6 affect the area of the undertaking; is that correct?

7 A. Four, I believe are shown there. The  
8 bottom one is just a reference to a cross-section that  
9 was on an insert that went with that in the original  
10 document.

11 Q. All right. Would it be within your  
12 knowledge - or again would we have to go to a forester  
13 for this information - which soil types are the least  
14 susceptible to the debilitating effects of harvesting  
15 and which are most susceptible?

16 A. I would say you are a little out of  
17 my league there. I would go with someone who deals a  
18 little closer with soils science.

19 Q. Can we go to that part of your report  
20 dealing with water resources. I am referring you to  
21 Figure 9 on page 57 of the evidence.

22 Mr. Kenrick, you have described for us  
23 the five major drainage basins of Ontario. I would ask  
24 whether or not you would agree with this eyeball  
25 assessment that I make for the drainage areas on the



1 map, suggesting that approximately four fifths of the  
2 Nelson River basin, the Lake Superior and Lake Huron  
3 basin and the Ottawa River basins are within the area  
4 of the undertaking, approximately?

5 A. More or less.

6 Q. And that approximately one fifth of  
7 the Lake Erie/Lake Ontario basin would be within the  
8 area of the undertaking?

9 A. Not wishing to quibble I think that  
10 might be a little bit high, but yes.

11 Q. And then with regard to the Hudson  
12 Bay/James Bay basin what, approximately a third?

13 A. More or less, yes.

14 Q. Are you able to advise the Board as  
15 to what extent that part of each drainage basin within  
16 the area of the undertaking is impacted upon by lake  
17 and river empoundments and diversions?

18 A. On an area basis, no.

19 Q. Generally speaking, how does the  
20 Ministry deal with that particular aspect about the use  
21 of the forest lands within the area of the undertaking?

22 THE CHAIRMAN: Mr. Williams, what do you  
23 mean by the term empoundment?

24 MR. WILLIAMS: Dams basically and  
25 diversions of rivers by virtue thereof or independent

1       thereof.

2                   MR. KENRICK: It has been my experience  
3 recently - not even recently - from days in Temagami  
4 and in Timmins that any time we have been dealing with  
5 empoundments and dams generally we have had input  
6 through an environmental process. It has either been  
7 Ontario Hydro or a similar process that's been  
8 undergone by a private sector company, usually at our  
9 request.

10                  MR. WILLIAMS: Q. Certainly it would be  
11 my understanding that the environmental assessment  
12 process would have application for that type of  
13 undertaking, but what I was trying to determine is:  
14 What type of policy or practice does the Ministry have  
15 in dealing with those type of undertakings?

16                  Is there an area of dialogue that exists  
17 between Ontario Hydro, for instance - which I presume  
18 would be the largest participant in that type of  
19 activity - or what other measures or procedures would  
20 exist that would alert the Ministry in the early stages  
21 of a proposed undertaking of that nature and what's the  
22 degree of involvement by the Ministry?

23                  Do you have any idea of that or is  
24 that --

25                  MR. KENRICK: A. Yes. Most proponents

1       that I am familiar with who have dealt with that type  
2       of a topic have come to us generally very early in the  
3       game, generally because they need some authority for  
4       simple continuation, like work permits.

5               At that point in time we usually set in  
6       place a process to draw to their attention the types of  
7       impacts they may have on the mandates of the Ministry  
8       and suggest what we feel may be mitigating measures  
9       that they could apply.

10              Q.   I gather from your earlier answer to  
11       my question as to whether you are able to advise the  
12       Board to what extent these drainage basins are impacted  
13       upon by this type of activity, that there is no  
14       inventory or detailed information available within the  
15       Ministry that provides that information?

16              A.   I believe for individual projects you  
17       could go back into project files and find a record of  
18       the types of things that were discussed.  There is a  
19       loss of timber in head pond areas, for instance, and we  
20       have discussions about the utilization and the use of  
21       that.

22              There is quite often concerns expressed  
23       by the Ministry over perhaps spawning bed sites and we  
24       have some of those going on right now.  In which case,  
25       we have discussions with the company and try and work



1 on ways to mitigate that and, in some cases, it may be  
2 creation of another spawning bed.

3 If you are looking for a summary of all  
4 those types of effects on all head ponds in the  
5 province I don't think that exists, but there certainly  
6 files on any of them that are ongoing right now or in  
7 the past.

8 Q. Just before leaving this line of  
9 examination just one more question. I wanted to know  
10 whether, in your limited information on this particular  
11 topic, whether there is any particular area of  
12 concentration or any particular basin that is more  
13 subject to this type of impact than any other basin  
14 that would deal with cause and concern to the --

15 A. More subject to empoundments, is that  
16 the question?

17 Q. That's right. Would this be a  
18 generally dispersed problem the whole of the area of  
19 the undertaking?

20 A. Generally dispersed. I could make  
21 some comments. There are major hydro electric sites in  
22 the James Bay basin on the major rivers flowing north,  
23 but there are also some major sites along the north of  
24 the Great Lakes.

25 What is shown there is the Lake

1 Superior/Lake Huron basin, I would say throughout  
2 without having counted them.

3 Q. Would the ones in the Hudson  
4 Bay/James Bay area be the other two thirds of the  
5 basins outside the area of the undertaking, or do you  
6 have that knowledge?

7 A. No, almost exclusively I believe they  
8 are all within the area of the undertaking.

9 Q. In your section on climatic  
10 variation, page 60. Is there any evidence Mr. Kenrick  
11 that has come to hand that would suggest that the  
12 abnormal climatic conditions that plague the central  
13 part of the continent in the spring and summer causing  
14 severe drought conditions has, in any way, adversely  
15 affected any part of the area of the undertaking either  
16 on a temporary or permanent basis?

17 A. I am not sure what you are driving  
18 at. The drought that was in western Canada certainly  
19 had an effect this year in terms of fire occurrence.  
20 And the numbers of dry years that we have had, say,  
21 since the late 1970s, has led to a higher incidence of  
22 large fire years than we have had for a while. That  
23 has an impact on our programs.

24 Q. So it would be in the area of fire  
25 loss, would that be the only adverse effect that you

1 have that you are aware of at this time?

2 A. I didn't say the only one, the only  
3 one I could observe.

4 Q. How long would it take or how many  
5 successive droughts of this nature, if they impacted on  
6 the area of the undertaking or part thereof, would be  
7 necessary to have a permanent effect such as stilting  
8 in the growth of the trees in a given area?

9 Is that something that can be quantified?

10 A. I am not sure of stilting as a word  
11 in your question. The annual fire losses in the  
12 province aren't unlike the annual harvest level in  
13 terms of the loss of wood products.

14 We cut about 200 --

15 Q. That's why I was just wondering  
16 whether there would be any other adverse effect that  
17 would be more predictable such as the slow down in the  
18 growth rates in a forest by virtue of a sustained  
19 drought period?

20 I just don't know whether, talking about  
21 variation, given that we have had this experience and  
22 it became something that persisted, whether you are  
23 going to be in trouble.

24 THE CHAIRMAN: Isn't this kind of  
25 speculative, Mr. Williams, in the sense that even if it



1 persisted you would not know the degree necessarily  
2 that it would persist at, you would not know whether  
3 other practices such as increased fertilization or  
4 something would overcome the effect of some climatic  
5 problems.

6 MR. WILLIAMS: Quite so.

7 THE CHAIRMAN: I mean, it is a very  
8 speculative area.

9 MR. WILLIAMS: Very much so. But I am  
10 just wondering whether in fact it is just because of  
11 the one seasonal incident it has become a matter of  
12 concern, that's all. There is nothing -- no ulterior  
13 motive in asking the question, I am just inquiring as a  
14 matter of information whether in fact it has been a  
15 matter of concern.

16 To allay Mr. Freidin's fears that I did  
17 miss one question on that section, but If he had  
18 something further, to state it.

19 MR. FREIDIN: I was going to say if in  
20 fact it is a relevant question, Mr. Armson in Panel No.  
21 9 is going to talk about silviculture. He is the  
22 obvious person to ask the question.

23 THE CHAIRMAN: It would appear that a  
24 forester or someone with a forester's background would  
25 probably be the best one to answer anything along that

1 line if in fact it could be answered in first place.

2 MR. WILLIAMS: Q. Under the topic of  
3 flora and wildlife resources. On page 63 of the  
4 statement of evidence in your report you advise us that  
5 game birds and game animals are legal, not biological  
6 terms and refer to any animal or bird protected by the  
7 Game and Fish Act of Ontario or the Migratory Birds  
8 Convention Act, Canada.

9 In layman's terms game animals are  
10 generally those that can be hunted. Can you explain  
11 the co-relationship that exists between the hunting  
12 activity and the application of the Game and Fish Act?

13 MR. KENRICK: A. The Game and Fish Act  
14 is the legislation that regulates the hunting activity,  
15 defines what can be hunted, is the authority for  
16 issuing licences, et cetera.

17 Q. Mr. Kenrick, would you agree that  
18 Section 3 of the Ontario Game and Fish Act states that:

19 "The purpose of this act is to provide  
20 for the management, perpetuation and  
21 rehabilitation of the wildlife resources  
22 in Ontario and to establish and maintain  
23 a maximum wildlife population consistent  
24 with all other proper uses of the lands  
25 and waters."

1                   Would you accept that as being the  
2 wording in Section 3 of the Game and Fish Act?

3                   A. If you are quoting it, I will accept  
4 that.

5                   Q. All right. In that context, could  
6 you explain the co-relationship that exists between  
7 hunting activities and that thrust and direction of the  
8 Game and Fish Act?

9                   THE CHAIRMAN: Could you be more precise,  
10 Mr. Williams, about what you mean by co-relationship.

11                  MR. WILLIAMS: The goverance of the  
12 activity by the legislation, Mr. Chairman, and how it  
13 is very much dependent on what liberties are provided  
14 for the activity by that legislation.

15                  Q. Let me ask, if I might, Mr. Chairman,  
16 to what extent or how extensively then is hunting  
17 activity controlled or regulated under the Game and  
18 Fish Act?

19                  MR. KENRICK: A. I am still not sure I  
20 know what you are driving at in terms of the word  
21 extensively. For some species it is permitted, for  
22 others it is not, for most it places limits -- seasonal  
23 limits on it.

24                  THE CHAIRMAN: Do you mean, Mr. Williams,  
25 how extensively is the legislation enforced?

1                   MR. WILLIAMS: Well, to what extent does  
2 the legislation control hunting activity.

3                   Q. Of all of the identified species of  
4 game and birds that you have given us in your  
5 statistical outline of inventory, what percentage of  
6 them are allowed to be classified as game animals and  
7 game birds under the Game and Fish Act?

8                   MR. KENRICK: A. I believe my evidence  
9 illustrated in the neighborhood of, say, out of the  
10 mammals, 11 were game animals out of 71 roughly, but  
11 there is an imprecision there in that there are species  
12 like polar bear which are listed as both a game animal  
13 and a furbearer.

14                   There are also some - just further  
15 explanation of why the distinction was made between  
16 legal versus layman - there are also some furbearers  
17 that residents can hunt under a small game licence and,  
18 in that respect, they are probably in both lists too.  
19 To try and make it simpler for the Board I was trying  
20 to remove that variation.

21                   Put it a simpler way, sir, most species  
22 in the province are not game animals, if that is...

23                   THE CHAIRMAN: But if they are not game  
24 animals they cannot also be hunted; can they?

25                   MR. KENRICK: That's right, non-game.



1 THE CHAIRMAN: Non-game cannot be hunted?

2 MR. KENRICK: That's correct,  
3 generally.

4 MR. WILLIAMS: Q. What I am trying to  
5 determine in percentage terms is how extensive or how  
6 limited is the right to hunting activity available to  
7 hunters in Ontario given the number of species and  
8 those that are restricted for hunting purposes under  
9 the Act?

10 MR. KENRICK: A. If I use the data that  
11 is shown on Figure 11, out of 71 species of mammals, 36  
12 of them are non-game and cannot be hunted generally.

13 11 are game and 24 are furbearers, given  
14 the vagary of there is some overlap between the game  
15 animal and the furbearer list there. Of the birds that  
16 are listed, the 286, I believe the number was 44 out of  
17 the 286 that can be hunted.

18 Q. In your judgment, does the Game and  
19 Fish Act protect against uncontrolled, indiscriminate,  
20 excessive hunting of game birds and animals?

21 A. I believe it does. I believe that's  
22 the basic tenet of how we set limits and seasons.

23 Q. Could you elaborate on that comment?  
24 How do you set the limits and seasons in your  
25 management program?

1                   MR. FREIDIN: Mr. Chairman, I tried to  
2 stay sitting but it sounds to me like we are getting  
3 into management of wildlife now and in a way which, in  
4 my view, is not helpful in dealing with the issues  
5 before the Board and I say that even realizing that the  
6 issues are not clearly defined before the Board.

7                   MR. WILLIAMS: Mr. Chairman, I draw your  
8 attention to page 67 of the statement of evidence and  
9 ask you to advise whether this is evidence before the  
10 Board for consideration the statement that deals with  
11 the management issue of wildlife under the Game and  
12 Fish Act.

13                  THE CHAIRMAN: Well, Mr. Williams, I  
14 think, although Mr. Freidin is objecting at the moment  
15 to perhaps the relevancy aspects of what you are  
16 purporting to question Mr. Kenrick on, I think there is  
17 some relevancy in the sense that the way the Ministry  
18 manages some of the wildlife resource will affect, to  
19 some extent, the way it will manage other resources  
20 such as the timber industry, such as questions as to  
21 what kind of boundaries they want to set for the  
22 preservation of a certain species of animal may well  
23 affect where they are going to cut, or where they are  
24 going to harvest or where they are going to put an  
25 access road, et cetera.

1                   And if the Ministry is defining for  
2           itself, apart from the legislation, some aspects of  
3           managing these other resources, then certainly it will  
4           have an impact on how they also manage a competing  
5           resource such as timber management and, therefore, to  
6           that extent I think these questions are relevant.

7                   MR. WILLIAMS: Thank you, Mr. Chairman.

8                   MR. KENRICK: I am sorry, do you have a  
9           question on page 67?

10                   MR. WILLIAMS: Q. Yes, I do, Mr.  
11           Kenrick. I wanted you to elaborate, if you would, on  
12           how the 95 wildlife management units are managed and  
13           how they relate not only to ensuring a healthy wildlife  
14           population but whether that takes into consideration  
15           timber management activities at the same time?

16                   A. Perhaps I can use moose as an  
17           illustration, it is one I am most familiar with.

18                   I don't want to get into inventory  
19           methods in much depth, I believe that can be handled by  
20           a subsequent panel, but the inventories -- aerial  
21           inventories that we use as part of estimating  
22           population levels is done on the basis of those  
23           management units.

24                   They are used for game animals and game  
25           birds and perhaps I have used the term largely managed,

1 but I believe in my evidence I clarified that to mean  
2 season regulation. So largely those are used for the  
3 management of things that we have seasons for.

4 The inventory is based on it and  
5 subsequently based on what those inventories and  
6 previous levels of harvest data told us, we set seasons  
7 that we think are appropriate and those seasons are  
8 described in the regulations, as I understand it, in  
9 term of those boundaries.

10 The season in management unit 28 runs  
11 from October such and such to December something.  
12 That's the primary use of those management units.

13 Q. Then the obvious would be that the  
14 extent of hunting allowable in the area where they  
15 would be allowed is an annual consideration; is that  
16 correct?

17 A. More or less. In some cases some of  
18 those inventories that I talk about are done on a  
19 two-year cycle, but more or less.

20 Q. To your knowledge in the timber  
21 management planning process, are the activities in this  
22 area, the wildlife management units, taken into  
23 consideration in a reciprocal way; do they both take  
24 into account what's going on, or does the left hand not  
25 know what the right is doing as far as the continuing



1 impact of one upon the other?

2 A. I wish I understood which impact you  
3 were talking about. The left hand does know what the  
4 right hand is doing.

5 Again, if I can use an illustration from  
6 moose. Occasionally the issue of roads accessing an  
7 area and, therefore, increasing the harvest area in the  
8 area of the stands are just accessed. It would be the  
9 Ministry's position that we don't generally use roads  
10 management of a way of managing moose, that we are  
11 managing moose on a wildlife unit basis.

12 Q. And it is effectively done through  
13 the use of regulations under the Act; is that correct?

14 A. Correct.

15 Q. Mr. Kenrick, are these regulations so  
16 designed as to provide optimum social and economic  
17 benefits to the residents of Ontario consistent with  
18 the maintenance of healthy fish and wildlife  
19 populations?

20 A. Generally, yes, but the consideration  
21 of a healthy wildlife population, I believe again, is  
22 one of the basic tenets in setting the seasons and  
23 regulations in the first place.

24 THE CHAIRMAN: Do the regulations, Mr.  
25 Williams, under the section that you read to us of the

1 Game --

2 MR. WILLIAMS: Section 3.

3 THE CHAIRMAN: The Game and Fish Act  
4 require a consideration of social and economic impacts  
5 in the management of wildlife as opposed to, for  
6 instance, the Environmental Assessment Act which, of  
7 course, does.

8 Does the government have -- do the  
9 regulators have to take into account the social and  
10 economic benefits or impacts to humans, to man, when  
11 managing game under that Act?

12 MR. WILLIAMS: I think perhaps the  
13 question should be readdressed to the witness, Mr.  
14 Chairman, but at the same time I am asking him whether  
15 they must take into account primarily the health of the  
16 resource that is being utilized.

17 THE CHAIRMAN: Well, that is the point:  
18 Is not the health of the resource being utilized -- is  
19 it not the resource, the game and fish, as opposed to  
20 benefits to man which have to be considered under other  
21 legislation?

22 MR. WILLIAMS: Q. Mr. Kenrick, the  
23 question the Chairman just asked I will pose to you,  
24 whether these are essentially factors that are taken  
25 into consideration?

1 MR. KENRICK: A. Yes, by way of  
2 illustration again that I am familiar with, we have  
3 just gone through a public consultation period again,  
4 for instance, with moose hunters. I think it is a  
5 social value in terms of what type of regulatory system  
6 they support or don't support. I think that's getting  
7 at some of the social values that are out there, party  
8 hunting is it one of the issues.

9 I am aware of discussions we had from  
10 time to time with the commercial tourism industry in  
11 terms of a late hunt and when the cut-off point is at  
12 the end of the season of the season in terms of when  
13 you can land a commerical float plane before lake  
14 freeze up. I think that's taking social values into  
15 consideration in terms of setting regulations.

16 THE CHAIRMAN: But would the primary  
17 emphasis be on the preservation of the game and fish  
18 resource if it came down a choice, something was food  
19 for game and fish but something else would be better  
20 from an economic perspective or a social perspective to  
21 man, where do you make the choice in a case like that?

22 MR. KENRICK: My opinion - and I believe  
23 it is outlined in that policy in SLUP in a general  
24 sense that I made yesterday - is that the health of the  
25 resource is the first consideration and we will deal

1 with social options if you will that will meet that  
2 objective.

3 MR. WILLIAMS: Q. Indeed, Mr. Kenrick,  
4 it was from the land use planning process I extracted  
5 that question as to whether the regulations were so  
6 designed as to provide optimum social and economic  
7 benefits to residents of Ontario consistent with the  
8 maintenance of healthy fish and wildlife population and  
9 that you thought that to be the case, but given that  
10 that is in fact the policy, at least of your land use  
11 program, you can reaffirm with no uncertainty that that  
12 is the case?

13 MR. KENRICK: A. It is my understanding.

14 Q. Again, I have a question -- I asked  
15 whether the preservation and maintenance of the fish  
16 and wildlife population was the primary consideration  
17 that would flow into the social and economic benefits  
18 in the approach taken by the Ministry to deal with  
19 these resources?

20 A. I would say the latter is dependent  
21 on the former.

22 Q. So of necessity you are saying that  
23 it is in the interests of the Ministry to ensure that  
24 for no other reason that there should be a healthy fish  
25 and wildlife population first and foremost and that is,



1       therefore, the major concern of the Ministry?

2                   A.   Yes.

3                   Q.   So that they both have importance to  
4       the Ministry but those are the guidelines under which  
5       you develop and apply those regulations?

6                   A.   That's correct.

7                   Q.   At page 69 to 71 of your statement of  
8       evidence you have inventoried the rare, threatened,  
9       endangered, extirpated or extinct species.

10                  Without commenting on when or what  
11       natural or socio-economic factors contribute to the  
12       species being so classified, why have you neglected to  
13       provide that relevant information along with the other  
14       statistical information?

15                  A.   Do you mean the cause of them being  
16       rare, the cause of them being threatened?

17                  Q.   Yes.

18                  A.   That level of detail will be  
19       discussed in Panel 7.

20                  MR. FREIDIN:   In fact, that information  
21       is the information obtained in the answers to the  
22       Interrogatory 6 through 9 asked by the Ministry of the  
23       Environment, Exhibit 211.

24                  The only one we haven't given is the  
25       breakdown or the reasons for the rare because we just

1 did that yesterday to fill up the list.

2 MR. WILLIAMS: I don't know whether  
3 counsel the proponent is advising us that that is the  
4 extent of the information that is going to be provided  
5 in Panel 7 or whether it gives us simply a preliminary  
6 overview of some of the basic reasons involved.

7 Mr. Freidin, I am not clear what you are  
8 saying there. I read that information and I am just  
9 wondering if that is the full extent of the information  
10 that's going to be provided in evidence?

11 MR. FREIDIN: I believe so. We are not  
12 going to go into a great amount of detail on that  
13 particular matter. The witness will be there, if you  
14 want to ask him questions, I suppose you can, but we  
15 are not going to take that to the Board and explain why  
16 each species is in each classification under that  
17 particular classification system.

18 MR. KENRICK: I believe in response again  
19 to one of the interrogatories, there are status reports  
20 prepared for each of the species that are listed there,  
21 but that is a prerequisite to getting designated under  
22 this system, the COSEWIC system.

23 And if there is a particular interest,  
24 those status reports are available and we had a little  
25 resistance that there is a great number of them, there

1 is a lot of bulk there and we weren't going to  
2 photocopy them I don't believe. That is the gist of  
3 one of the responses to the interrogatory, but if  
4 someone is interested in that level of detail, it  
5 exists.

6 THE CHAIRMAN: But are not those  
7 questions, Mr. Williams, sort of outside the scope of  
8 this enquiry as to whether or not a particular species  
9 is properly categorized as rare or endangered or  
10 something like that?

11 MR. WILLIAMS: Well, certainly, Mr.  
12 Chairman, it may be that it may not have a direct  
13 impact. The very fact that it is being recognized that  
14 there is some indirect relationship here is evidenced  
15 by the fact that it is before us as evidence in this  
16 hearing.

17 I was just trying to simply, without  
18 debating the point, just trying to make that one other  
19 determination as to how the impacts or classifications  
20 came about.

21 THE CHAIRMAN: But is it not sufficient  
22 to know that there is a process in place to categorize  
23 flora and fauna and other species into categories of  
24 rare or extinct or endangered or something like that  
25 without going into the detail with respect to each

1       specie as to why they are or are not in a particular  
2       category?

3                       MR. WILLIAMS: It may well be, Mr.  
4       Chairman, and we will be better able to make that  
5       determination when we come to Panel 7.

6                       Q. On page 71 you state that the  
7       splendour of our flora and our wildlife is difficult to  
8       capture without photographs.

9                       Mr. Kenrick, could you agree that it is  
10      equally difficult to determine the health of our flora  
11      and wildlife without historical and scientific data to  
12      inform us of the real and potential environmental  
13      impact of timber management on these resources?

14                      MR. KENRICK: A. It would be difficult  
15      if there was no data, that's correct.

16                      Q. Would you agree that if there is no  
17      analysis, prediction or assessment of impact  
18      forthcoming in future evidence, that the Board would be  
19      left in the unenviable position of not knowing whether  
20      to grant approval for the undertaking to the Ministry  
21      or to designate the Ministry to serve as the undertaker  
22      to our plants and animals?

23                      THE CHAIRMAN: I hope that wasn't meant  
24      the way it sounded?

25                      MR. WILLIAMS: It was.



1 MR. KENRICK: I believe there are other  
2 panels that will address the impact of the activity on  
3 wildlife.

4 MR. WILLIAMS: Q. Under the topic of  
5 fisheries resources on page 71 you provide us with  
6 statistics of numbers of fish species and number and  
7 general location of trout lakes.

8 If only 10 per cent of our lakes have  
9 been inventoried how can a meaningful conclusion be  
10 drawn relative to the health and population of our fish  
11 resources?

12 A. I guess I wouldn't, subscribe nor do  
13 I think it is reasonable that before we can draw a  
14 conclusion like that we have to have done a survey on  
15 every lake in the Province of Ontario. It takes a  
16 little while to do a quarter of a million and what is  
17 tried to do, within the confines of the resources that  
18 we do have, is do representative lakes, try and sample  
19 watersheds...

20 Q. I haven't suggested to you, Mr.  
21 Kenrick, that a hundred per cent inventory can be done  
22 or is feasible. What I am asking you is: If only 10  
23 per cent of our lakes have been inventoried, can a  
24 meaningful conclusion be drawn relative to health and  
25 population for the fish resources?

1 I don't think you answered the question.

2 A. I think it can be.

3 Q. That's your professional judgment; is  
4 it?

5 A. Yes.

6 Q. Do you have any qualifications to  
7 make that determination?

8 A. I am not a biologist, sir. I  
9 mentioned that there are sources of data than just the  
10 inventory you are referring to as part of the ten per  
11 cent, the reference to the ten per cent figure.

12 There is staff that's dealing constantly  
13 with user groups, from that we pick up information.  
14 That figure, as I understand it, comes from those that  
15 meet the aquatic habitat survey standards. There are  
16 partial surveys. I would also suggest that the 10 per  
17 cent -- the majority of the 10 per cent of the lakes  
18 that have been done - and I believe that's a 10 per  
19 cent of the lakes figure - are inclined to be the ones  
20 that to a large extent have been accessed, get used,  
21 larger lakes.

22 Q. Those observations I presume would be  
23 better reaffirmed or addressed as you suggested by the  
24 professional biologists who will be testifying?

25 A. I believe in Panel 7 that topic will

1 be gone into in more depth.

2 Q. On page 75 you cite the publication  
3 of the Guidelines for the Protection of Fish Habitat in  
4 Timber Management as the resource for protecting  
5 specific fish habitat and especially lake trout lakes.

6 Mr. Kenrick, aren't you referring to a  
7 draft document that had, as of the date of your report,  
8 not been approved for use by your Ministry?

9 A. I would have to check the dates. It  
10 seems to me I have been writing this report for a long  
11 time, it could well be.

12 MR. FREIDIN: Mr. Chairman, our  
13 information is that the Guidelines for the Protection  
14 of Fish Habitat in Timber Management is an approved  
15 Ministry of Natural Resources document.

16 MR. KENRICK: That's correct.

17 MR. FREIDIN: Approved for use I guess to  
18 use Mr. Williams' phraseology.

19 MR. WILLIAMS: Mr. Chairman, Mr. Kenrick,  
20 the official document that was approved for use and  
21 published by the Ministry of Natural Resources in April  
22 of this year and which I believe is an exhibit in Panel  
23 7 evidence, is a document I am holding up and showing  
24 to you entitled: Timber Management Guidelines for the  
25 Protection of Fish Habitat dated, April 1988.

1                   The title is different from the one  
2                   referred to by Mr. Kenrick and it is my understanding  
3                   was the title applied to the earlier drafts of the yet  
4                   to be approved guidelines that were out for circulation  
5                   in the community for consideration and comment thereon.

6                   THE CHAIRMAN: What is the point though?  
7                   Do you want to know whether there is any material  
8                   difference between the drafts and the final approved  
9                   document?

10                  MR. WILLIAMS: Well simply, Mr. Chairman,  
11                  to make it clear to the Board that while this  
12                  particular resource is available, I want to make it  
13                  clear determination as to whether or not in fact,  
14                  because of its currency, been applied in any useful way  
15                  the suggestion being, Mr. Kenrick, that this is a  
16                  resource tool that's been in place some time to assist  
17                  in the assessment of habitat and providing additional  
18                  protection of lake trout lakes.

19                  MR. KENRICK: It was not my intention in  
20                  the evidence to make a distinction. I believe when I  
21                  started writing this evidence, you are right, I was  
22                  probably referring to a document that was a forerunner  
23                  to that, but I am familiar with that one and the  
24                  reference is intended to refer to that document as it  
25                  has evolved into that.



1                   THE CHAIRMAN: But I guess the question,  
2                   Mr. Kenrick, is: Obviously, since it was just recently  
3                   approved it does not have in effect a track record, you  
4                   have not applied it in the past because it has just  
5                   recently been developed and approved; is that correct?

6                   MR. KENRICK: That particular document,  
7                   that is correct, but some of the concepts and one of  
8                   the major changes in that particular document over a  
9                   previous version of it is that document addresses the  
10                  concept of water quality a lot -- to a larger extent  
11                  than the previous version did, but the previous version  
12                  was used and applied. I would say that is a better  
13                  version of it, yes.

14                  THE CHAIRMAN: Okay.

15                  MR. WILLIAMS: Q. Well, I am not  
16                  questioning -- Mr. Kenrick, I am not questioning the  
17                  value of the document, I am just questioning the  
18                  currency and relevancy of the document given that it is  
19                  not yet, as you have now advised in evidence, yet been  
20                  able to be field tested to establish the real value of  
21                  this type of resource document.

22                  THE CHAIRMAN: With respect, I think he  
23                  just testified that earlier versions of the document  
24                  using similar concepts, with the exception of perhaps a  
25                  greater emphasis on water quality, have been used.

1                   This particular one, in its present form,  
2                   has not obviously since -- except since April, but it  
3                   is not a brand new document from what I gather of what  
4                   you are saying, because there are previous documents  
5                   dealing with similar topic.

6                   MR. KENRICK: Yes. Previous editions of  
7                   it, you might say.

8                   MR. MARTEL: Mr. Kenrick, in the previous  
9                   documents, whether it was the Wawa Land Use Plan or so  
10                  on, there is sections in all of those that deal with  
11                  trout and you mention that water quality now enters  
12                  into the most recent document.

13                  The sensitive of trout lakes over the  
14                  years has been known. Why is it at this late stage  
15                  that the quality of the water which has been paramount  
16                  in all of your earlier documents for land use planning,  
17                  why is it that that never entered into the mix  
18                  previously?

19                  MR. KENRICK: I would say it was there.  
20                  I think what that document has done is make it  
21                  explicit. My understanding of the Fisheries Management  
22                  Guidelines and the treatment of lake trout lakes that  
23                  the Ministry has used in the past has always been in a  
24                  response to a belief that lake trout lakes and their  
25                  water quality are more sensitive, but you wouldn't find

1 the phrase -- in other words, if the fisheries is a  
2 healthy resource generally you have taken care of the  
3 water quality. If you have maintained the health of  
4 the fishery, you have maintained the health of their  
5 habitat.

6 That perhaps was more implicitly stated  
7 in previous versions than it is in this document and I  
8 think it has been flushed out and made explicit, that's  
9 all.

10 MR. WILLIAMS: Q. Mr. Kenrick, I don't  
11 want to belabor the point, because the suggestion has  
12 been made that an earlier version of this had been put  
13 into practice and effect - and, again, I subscribe  
14 wholly to the purpose and benefits that will flow from  
15 the use of that type of a resource tool - but I want to  
16 make it quite clear, if my understanding is correct,  
17 that they have not yet effectively been put into  
18 practice to give us some even preliminary evidence of  
19 proven results.

20 If my understanding is correct, that  
21 authorization for development of such a guideline was  
22 not even given until 1985 to develop such guidelines.  
23 Is that time frame correct?

24 MR. KENRICK: A. I am not sure about the  
25 date. More or less we are dealing with a recent

1 publication, you are correct there. And if what you  
2 are saying is that the proof will be seeing several  
3 years' of application of those guidelines before they  
4 can be tested, I assume I would buy that, that's  
5 reasonable.

6 Q. I simply want to have my contention  
7 borne out that we have not yet had the guideline  
8 program in place and being practiced long enough to get  
9 any, I suggest, meaningful results to show that the  
10 protection that is intended hereunder are proving  
11 themselves. That's all I wanted to establish.

12 Are we agreed on that point?

13 A. Inasmuch as if it takes field testing  
14 to do that, yes.

15 Q. Thank you.

16 A. I might mention that the guidelines  
17 didn't exactly come out of the blue. I assume they are  
18 based on a certain level of science and I am also aware  
19 that the contents of that document -- there has been a  
20 level of agreement between the Ministry of Environment  
21 and ourself.

22 Q. You are stating that as an  
23 assumption, you don't know for sure?

24 A. There has been a level of agreement  
25 between Ministry of Environment and ourselves on the



1 contents of that document.

2 Q. In the section of your report dealing  
3 with trapping, page 103, you provide us again with a  
4 lot of interesting statistics on this particular  
5 undertaking.

6 I refer you to the last paragraph on page  
7 104. You state the obvious when you say that:

8 "Trappers also have an interest in timber  
9 management planning. Most questions  
10 relate to their concern over the impact  
11 of logging and an interest in the  
12 location of roads to access their trap  
13 lines."

14 Given the nature of the undertaking; that  
15 is trapping, Mr. Kenrick, if a timber management  
16 operation takes place within the area of a trap line,  
17 the geographic area of a trap line, would this not mean  
18 that the whole operation of necessity would have to  
19 shut down, or is it possible to operate on a half  
20 measures basis, the trap line that's in the middle of a  
21 timber management operation?

22 A. It has been my observation that  
23 seldom would a harvesting operation affect the whole  
24 trap line, the trapping activity continues. The  
25 portion of the trapping that's done, say, adjacent to

1       aquatic resources, that portion continues.

2                       The image there of the forestry operation  
3       rolls up and trapping ceases is not accurate. It has  
4       been my experience that it continues to exist and as  
5       the younger forest generally comes up, in many cases,  
6       for things like the number of beaver, actually the trap  
7       line becomes more productive.

8                       Q. Is it your understanding then that if  
9       a timber harvesting operation proceeds within the area  
10      of the trap line that furbearing animal population  
11      therein is not somehow impacted on and that they remain  
12      in place and do not retreat to areas outside of the  
13      trap line?

14                      A. I wouldn't say they weren't impacted  
15      upon. I would say the nature of the forest evolves as  
16      it would if a fire went through and some species are  
17      affected more than others. There is probably a  
18      distribution change.

19                      But whether the trap line -- the image of  
20      the trap line suddenly becoming non-productive is not  
21      my understanding of what happens.

22                      Q. Given that trapping in your report  
23      comes under commercial ventures and undertakings in the  
24      timber management planning process, what value is  
25      placed on trapping and trap line activities?

1 A. What do you mean, what value?

2 Q. I think while you suggest that  
3 harvesting operations would not close down a trap line  
4 activity, that it could have some impact -- or would  
5 have some impact thereon, well, that is open to  
6 question and one that perhaps will have to be explored  
7 further with professionals in the field in the next  
8 panel to at least see if some negative impact applies.

9 Does the Ministry in its timber  
10 management planning put some commercial value on a loss  
11 to the operator of the trapping activity?

12 A. Do you mean, do we compensate him for  
13 something?

14 Q. Correct.

15 A. The answer is no, generally. What we  
16 do through discussions with trappers and other groups  
17 is try and mitigate -- first of all, alleviate to some  
18 extent some concerns that he might have and mitigate,  
19 through seasonal variation of the timber operation or a  
20 movement of roads, usually that wouldn't be a major  
21 method, but doing those things to satisfy the concerns  
22 of the trapper.

23 If you mean that as you use the word  
24 compensate, yes.

25 Q. But to your knowledge, compensation

1 has never been a factor for loss revenues experienced  
2 by reason of the timber management harvesting  
3 operation?

4 A. I am not aware of an absolute loss of  
5 the resource, to start with and, on top of that, I am  
6 not aware where we have paid compensation to a trapper  
7 for a forestry operation or the impacts of it. I could  
8 be wrong, but in experience we haven't.

9 MR. WILLIAMS: Mr. Chairman, perhaps we  
10 will be able to make a clear determination of that in  
11 Panel 7.

12 MR. FREIDIN: I would ask for you to  
13 think more about doing that in Panel No. 10, Mr.  
14 Williams, when we deal with harvest and the potential  
15 effects of harvest.

16 MR. WILLIAMS: Panel 10. Thank you for  
17 your direction, Mr. Freidin.

18 Q. In your section on hunting, page 122,  
19 you provide us with a chart at Figure 36 indicating the  
20 number of residents and non-resident hunters in Ontario  
21 and the harvest figures for moose, deer, small game and  
22 bear.

23 Firstly, before questioning you further  
24 on this, my recollection is that in evidence yesterday  
25 that the figures that you gave were in error and you



1 provided some amendments to that statistical  
2 information, one piece of which was that the total  
3 number of licensed hunters should read 427,300 rather  
4 than 327,300; is that correct?

5 MR. KENRICK: A. That's right.

6 Q. I didn't, unfortunately, get down the  
7 rest of the amendments that you made correcting other  
8 errors in the figure.

9 Can you give those to me before I  
10 proceed?

11 A. Omissions. I believe there are two  
12 blanks, if you look under small game, harvest.

13 Q. Yes.

14 A. The number that should be in there is  
15 3,054,200.

16 Q. This is the first -- in the second  
17 column under harvest?

18 A. That's correct.

19 Q. 3 million...?

20 A. 054,200.

21 Q. Yes.

22 A. And in the small game column under  
23 non-resident harvest, the last column.

24 Q. Yes?

25 A. 189,000.

1 Q. Are you able to advise the Board from  
2 what source these figures are derived, Mr. Kenrick?

3 A. The numbers of hunters is based on  
4 hunter surveys. I am not sure if it is in an  
5 interrogatory, but I will explain it. What those  
6 numbers refer to is active hunters.

7 Q. Figures you are alluding to are  
8 220,020 and the 11,170 they are what you call active  
9 hunters; I am looking at small game?

10 A. That's correct. There is a survey  
11 undertaken of licensed hunters and the numbers that  
12 appear here are those that return -- respond to that  
13 survey and say they actively use their licence, if you  
14 will.

15 In other words, it would a different  
16 number from licence purchased.

17 Q. Which is considered to be the more  
18 reliable source of information, licence purchased or  
19 response by survey; are you able to --

20 A. I would say if you are counting  
21 revenue, the licence purchase the more appropriate  
22 number. If you are trying to get some measure of  
23 impact of hunters and numbers out there, then people  
24 who actively hunt is a better measurement.

25 Q. Is there any reason why the

1 statistics related to small game are so dated as  
2 compared to the statistics for the other areas of  
3 harvest, given that cite of the year 1981 is the last  
4 available date for the statistics you have cited  
5 whereas the others are talking about more recent  
6 periods, 1985 and 1986?

7 A. I would just assume that there is  
8 more frequent surveys for items like moose.

9 Q. Are you aware as to whether or not  
10 the activities of your fish and wildlife management  
11 branch of the Ministry, that their activities with  
12 regard to managing large game versus small game, the  
13 degree of that activity is proportionate to the figures  
14 before us, or in reverse?

15 A. I am not sure how you would define or  
16 sort out level of activity.

17 Q. More particularly, again given the  
18 dated information on the small game, does this indicate  
19 that less attention is given to what wildlife  
20 management in the small game area than the large game  
21 area?

22 A. In terms of the frequency, in terms  
23 of the frequency that we do things like inventories,  
24 that's getting into the question of inventory methods  
25 and I think that's going to be addressed in Panel 7.

1 Q. So note. Turning to page 126.

2 THE CHAIRMAN: Sorry, what page is that?

3 MR. WILLIAMS: Page 126.

4 THE CHAIRMAN: Thank you.

5 MR. WILLIAMS: Just a moment, Mr.

6 Chairman.

7 Q. Yes, Figure 38. In referring as you  
8 do to that Figure 38, you state that the figure shows  
9 that hunters make a direct contribution of a  
10 \$139-million to the Ontario economy.

11 Is this a realistic assessment of  
12 generation of dollars given that the money spent by  
13 Ontario hunters, such as 83 per cent of the total  
14 according to your statistics, is really a  
15 redistribution rather than an introduction of new  
16 wealth into the economy?

17 MR. KENRICK: A. Sir, throughout this  
18 report I tried to confine myself when trying to put a  
19 value on things and it is for somewhat of a comparative  
20 purpose to stick to direct expenditures.

21 The report that that was drawn out of  
22 deals with multipliers and discount rates and value  
23 added and a whole host of other concepts. I didn't  
24 deal with it, I stuck to expenditures.

25 Q. Thank you. Just one other



1 clarification, if I might.

2 Mr. Kenrick, just going back a page, page  
3 125, I am still not clear. If you could just review  
4 where necessary. From the information you have  
5 provided to us on that page, how many of the hunters do  
6 their hunting within the area of the undertaking?

7 Do those statistics relating to the  
8 different regions cover one hundred per cent of the  
9 hunting activity that's taken within the province, or  
10 something less than that?

11 A. It is a close estimation. The  
12 problem is that the data source there lists it by  
13 administrative region and where the boundaries of the  
14 undertaking don't correspond exactly with the area of  
15 our administrative regions, there is an error in the  
16 data.

17 For something like big game, I think  
18 there is a reason correlation. If you take the  
19 northwest, the north central, the northern region, the  
20 northeast and Algonquin, for instance, and use those  
21 data to reflect the size of harvest within the area of  
22 the undertaking, there is a portion of the eastern  
23 region - not a large portion - that would not be in  
24 that number and, generally, the harvest in the  
25 southwest and central region are outside the area of

1 the undertaking.

2 Q. So does that allow us to make a  
3 percentage comparison between what's in and outside the  
4 area, or is that information too uncertain to make  
5 quantitative calculations from it?

6 A. I believe it can be done generally  
7 from the data here. I quoted in my evidence 53 per  
8 cent of all resident hunters...

9 Q. Sorry, which page are you referring  
10 to there?

11 A. It was 53 per cent of all resident  
12 hunters hunted in the four southern regions, for  
13 instance, on page 125.

14 Q. Oh, all right.

15 A. I could recombine the regions and  
16 generate another percentage. That one unfortunately  
17 would have Algonquin in with the three regions that are  
18 generally out, but it is possible using the data that's  
19 on page -- or on Figure 37--

20 Q. Yes?

21 A. --to work out the percentage of  
22 hunters resident and non-resident that come from, say,  
23 the five northern regions as a percentage of 422,000  
24 and that would give you an estimate, I think, that  
25 would be closer.

1 THE CHAIRMAN: Mr. Williams, would you  
2 fine a convenient spot for the morning break, please?

3 MR. WILLIAMS: I had one more question to  
4 put forward, Mr. Chairman, before concluding my  
5 testimony. If I dare revert back to the basic opening  
6 statement that I was dealing with yesterday--

7 THE CHAIRMAN: Very well. Please  
8 continue.

9 MR. WILLIAMS: --it may lead to one or  
10 two other questions.

11 THE CHAIRMAN: Well, if you only have two  
12 or three -- are you saying that you only have two or  
13 three questions left in your examination?

14 MR. WILLIAMS: Yes.

15 THE CHAIRMAN: All right. Well then,  
16 let's complete it at this time.

17 MR. WILLIAMS: Q. If we can return to  
18 your basic statement of evidence on page 23, Mr.  
19 Kenrick, paragraph 5:

20 "Some resource-based activities such as  
21 fishing, hunting, trapping, outdoor  
22 recreation and tourism are susceptible to  
23 the impact of timber management  
24 activities."

25 I think we touched on this to some extent

1 yesterday in questioning, but I am just wondering  
2 whether you can be of assistance at this time without  
3 transgressing upon what is going to be provided by the  
4 expert witnesses in future panels -- if you could  
5 assist us in being somewhat more explicit with regard  
6 to that general observation.

7 A. I think all the observation was meant  
8 to do was to say: The undertaking, the activities of  
9 the undertaking can have an effect on those types of  
10 resources either in a positive or negative sense. It  
11 it was not meant to say anything more than that.

12 Subsequent panels will deal with the  
13 nature of the impacts and the ways they are mitigated.

14 MR. WILLIAMS: On that basis then, Mr.  
15 Chairman, I would say I have no further questions to  
16 ask of this panel.

17 THE CHAIRMAN: Thank you, Mr. Williams.

18 Ladies and gentlemen, according to our  
19 canvassing of the parties yesterday I do not believe we  
20 have any other parties that are prepared to continue  
21 today. If that is the case, then it is my suggestion  
22 that one of the items we might deal with after the  
23 break is the matter concerning the site visit which Ms.  
24 Murphy raised earlier but we never got to because of  
25 argument on the motion.



1                   So when we come back, Mr. Freidin, if you  
2                   or Ms. Blastorah or Ms. Murphy could put forward that  
3                   motion on the site visit, the Board would be prepared  
4                   to give directions with respect to the dates by which  
5                   the parties should be submitting their suggestions of  
6                   where the Board should visit.

7                   I might add that we are going to proceed  
8                   on the basis we did towards the latter part of setting  
9                   the itinerary for the last site visit and, that is:  
10                  The parties will make suggestions by such and such a  
11                  date, probably occurring some time in October,  
12                  notwithstanding we are not sitting, by sending it in to  
13                  Mr. Mander at the Board's offices, and the Board will  
14                  arbitrarily choose where we are going to go and  
15                  subsequently inform the parties.

16                  We are not going to enter into a debate,  
17                  as we initially tried to do the first time around,  
18                  because we found it to be less than productive and not  
19                  subject to unanimous agreement.

20                  MR. FREIDIN: Just to follow that up, I  
21                  understand that the Board's decision as to where you  
22                  would like to go will be given to the Ministry and we  
23                  would --

24                  THE CHAIRMAN: Make the logistical  
25                  arrangements and then come back if where we would like

1 to go does not fit in with what is possible, and then  
2 we will make the necessary adjustments based on that.

3 MR. FREIDIN: I think that is consistent  
4 with what Ms. Blastorah was going to suggest, but she  
5 will speak to that after the break.

6 THE CHAIRMAN: Mr. Martel has also  
7 reminded me that at some earlier stage in the  
8 proceedings it was our understanding that there was  
9 going to be discussion amongst counsel and the Ministry  
10 as to how the Board would purport to deal with the  
11 Forest Production Policy that is in the process of  
12 being formulated.

13 And I believe, Mr. Freidin, there was  
14 going to be some discussion as to a suggestion as to  
15 how the Board might handle what it has to decide in  
16 this hearing in light of the fact that this new policy  
17 is in the process of being developed and may or may not  
18 be available by the time we finish this hearing.

19 MR. FREIDIN: Mr. Chairman, I would  
20 suggest that we leave those submissions until we put in  
21 all of our evidence. It might very well be that --  
22 well, at least until November; the fact that there is a  
23 lot to be done between now and the end of the month  
24 quite frankly, I think that...

25 THE CHAIRMAN: But I think, if you come

1 back and indicate to us that the development of the  
2 policy is going to be a lengthier process and a  
3 somewhat duplicate of what we are doing here - if that  
4 is something that evolves in your discussions with  
5 those who are developing the policy - will that not  
6 make a difference as to how counsel will approach their  
7 questioning of various panels?

8 MR. FREIDIN: That might very well be.  
9 I'm not clear exactly how to proceed and are you  
10 looking for the Ministry of Natural Resources only to  
11 make a submission in relation to the question that you  
12 posed.

13 THE CHAIRMAN: No. It was our  
14 understanding that you were going to discuss it with  
15 counsel for the various parties at some point and then  
16 bring it before the Board, at which time, if there is  
17 not agreement or general consensus, the parties make  
18 their separate submissions to the Board.

19 If you recall, there was a concern raised  
20 that --

21 MR. FREIDIN: I remember the concern very  
22 clearly and the discussion.

23 THE CHAIRMAN: The policy may be not  
24 counterproductive to what we are doing here, but may be  
25 duplicative to what we are doing here and we are

1 somewhat in the dark as to which policy we should be  
2 considering, bearing in mind that the 1971 or '72  
3 policy is under act of review and there is some  
4 indication that a new policy will be in fact in force  
5 perhaps prior to when we finish sitting.

6 And are we to be taking into account that  
7 policy in the course of our decision, are we not, how  
8 are we going to handle it, bearing in mind that the  
9 Forest Production Policy itself has a very great  
10 implication as to a number of factors that we are  
11 dealing with ourselves.

12 MR. FREIDIN: All right. Well, can we  
13 leave it on the basis that I will indicate to you on  
14 return after the October break, whatever that date  
15 might be, how those discussions have developed to that  
16 stage.

17 It may very well be that discussions  
18 haven't developed, I will have to indicate what the  
19 Ministry's position is, but I will attempt to discuss  
20 the matter with counsel between now and when we return.

21 THE CHAIRMAN: I think it would be  
22 helpful if before we get back in November you did  
23 initiate discussions with counsel for the various  
24 parties. Whether those would be productive or not, as  
25 you say, remains to be seen.



1 MR. FREIDIN: Okay.

2 THE CHAIRMAN: We will break for 20  
3 minutes. Thank you.

4 ---Recess taken at 10:05 a.m.

5 ---Upon resuming at 10:30.

6 THE CHAIRMAN: Thank you. Be seated,  
7 please.

8 Ms. Blastorah?

9 MS. BLASTORAH: Mr. Chairman, I don't  
10 know whether you have your copy of our Notice of Motion  
11 with you and I have made three copies for the Board.

12 THE CHAIRMAN: No, I am sorry, we did not  
13 bring them.

14 MS. BLASTORAH: Well, I anticipated  
15 that.

16 Excuse my highlighting. It seems the  
17 photocopier didn't count it because of the yellow  
18 highlighting.

19 THE CHAIRMAN: Okay.

20 MS. BLASTORAH: Mr. Chairman, I have had  
21 some very brief discussion with some of the counsel  
22 over the break with regard to this and, given those  
23 discussions and your comments before the break, I think  
24 this can probably be dealt with quite expeditiously.

25 As you know, we are seeking an order for

1        directions for the organization of what will be the  
2        next site visit, I suppose the third, counting the one  
3        to the pulp and paper mill here in town, pursuant to  
4        Rule 39 of the Board's Rules of Practice Procedure.

5                The order sought is set out in the Notice  
6        of Motion that I have just provided you with and I have  
7        also provided copies to the counsel here in the room.

8                The order sought complies with the  
9        previous decision of the Board with regard to the first  
10       site visit and I do have copies of the transcript  
11       excerpts of your directions in that regard available  
12       if anybody would like to review them.

13               As you will see, we have suggested a  
14       visit to essentially the Algonquin region. In this  
15       time there are some small areas that are, I believe,  
16       the eastern region, but principally the Algonquin  
17       region. Now, as you are also aware, we did mention  
18       earlier, I believe Ms. Murphy raised it before that we  
19       would be proposing a visit in the winter to the  
20       northern region and certainly this is not intended to  
21       replace that, rather it is an attempt to make good use  
22       of a block of time which may become available,  
23       depending on the Board's ruling, and also it is an  
24       opportunity to see some things that would not be  
25       visible in a winter visit to the northern region, for

1 instance, the impacts of past harvesting activities,  
2 such as small trees and possible impacts on water  
3 crossings that sort of thing which would be covered by  
4 snow and ice.

5 THE CHAIRMAN: Is the travel proposed for  
6 this forthcoming site visit, what mode of travel are  
7 you proposing?

8 MS. BLASTORAH: We are suggesting  
9 essentially the same type of travel that we had last  
10 time, helicopter and ground vehicles.

11 THE CHAIRMAN: Well, I would just ask  
12 very serious consideration by the parties to be given  
13 to the fact that during the last site visit we had an  
14 overcapacity with respect to the two helicopters. It  
15 turned out that the helicopter that the Board used was  
16 full with five passengers and it was that size  
17 helicopter, but the one that we made available for  
18 those who wished to accompany I think seated ten, of  
19 which there were no more, I believe, than four plus the  
20 pilot at any one time - I may be incorrect on that, but  
21 I think it was around four - and I think they had to  
22 charter that one at a considerable expense.

23 And while the Board is quite prepared to  
24 make available the opportunity for counsel or other  
25 representatives of various groups to attend and

1 accompany the Board, we did not want a misuse of  
2 resources in terms of what is offered and I would like  
3 consideration to be given to clearly indicating to the  
4 Ministry at an early stage as to whether or not any of  
5 the parties here will be having a representative  
6 attend, so that perhaps next time around you can  
7 arrange for the appropriate size helicopter without  
8 wasting capacity.

9 MS. BLASTORAH: Thank you, Mr. Chairman,  
10 we certainly would appreciate the opportunity to do  
11 that and I will be making some small comment on the  
12 issue of other parties' representatives later in my  
13 submissions.

14 Just further clarification with regard to  
15 the type of transportation we are suggesting. As I  
16 mentioned, we are again suggesting helicopter and  
17 ground transportation. However, since the area we are  
18 proposing for this site visit is quite large,  
19 stretching essentially from the southeastern area  
20 around Tweed up past Algonquin Park and down  
21 practically to the 401 in Toronto, we are suggesting  
22 that some fixed wing travel may be the most expeditious  
23 way to deal with getting people from point A to point B  
24 so that they can see something at the second point. So  
25 that as well may be something to be considered.



1           The proposal that we have put forward  
2       here essentially is intended to, and we believe does,  
3       meet the three objectives that we set out in our  
4       submissions on the last site visit which were to  
5       provide the Board with an introduction to the various  
6       forest types and regions, to provide examples of timber  
7       management activities in progress and to provide an  
8       overview of the result of past timber management  
9       activities.

10           And, as I indicated, one of the reasons  
11       we feel this site visit is quite appropriate is because  
12       it will especially provide an opportunity to view the  
13       results of past activities before the snow falls.

14           Just turning to the Notice of Motion  
15       then, you will see that Item A under our order sought  
16       indicates that we are proposing a site visit for the  
17       week of November 21st, 1988 and that the area we are  
18       proposing, as I mentioned, essentially the Algonquin  
19       region is composed of Great Lakes and St. Lawrence  
20       forest region.

21           Going back to what I just mentioned about  
22       the objectives of the site visits, the last  
23       objective -- sorry, the first objective rather was to  
24       provide an introduction to various forest types and  
25       regions. This is a different forest type than the

1 Board had an opportunity to view in their last visit  
2 which was boreal forest, so that is one of the reasons  
3 for choosing this particular area for the next site  
4 visit.

5 We are proposing in paragraph B of the  
6 order sought, which is on page 2 of our Notice of  
7 Motion, that the parties provide their submissions to  
8 the Board with regard to where they feel the Board  
9 should attend hopefully by September 30th, 1988. Now,  
10 the reason for that is it's the end of the sitting  
11 period before the break and, obviously, the Board  
12 members have their own plans for that time and we feel  
13 that if the parties could make their submissions  
14 available before the break it would be helpful to the  
15 Board.

16 If the Board feels -- you had mentioned  
17 prior to the break that perhaps mid-October, if the  
18 Board feels that would give them ample time, certainly  
19 we have no objection to that, but we feel it might be  
20 helpful to the Board if possible.

21 THE CHAIRMAN: Well, in my case  
22 personally, I will be out of the country after about  
23 October the 10th, and so it would be helpful if we can  
24 have the submissions from the parties so that the Board  
25 can discuss it amongst themselves and make the choices

1 as to where we want to go.

2 MS. BLASTORAH: That was the sort of  
3 thing we were thinking of in proposing that date, Mr.  
4 Chairman, and perhaps that's something you could best  
5 decide in your order.

6 As you have indicated - and this is what  
7 we were proposing in fact - because of the situation on  
8 the last site visit it was decided that the Board would  
9 make the ultimate determination, having received all  
10 submissions from everyone. We were proposing that same  
11 procedure this time and you have already indicated that  
12 that's how you would like to proceed. So I don't  
13 really need to deal with that.

14 The next item is, as you have indicated,  
15 the Ministry will undertake as we have set out in Item  
16 No. D to plan this outing once the Board has indicated  
17 which of the parties' submissions they wish to proceed  
18 with.

19 We would ask that the Board consider  
20 prioritizing the items that they wish to see. The reason  
21 for that being, it is such a large area of territory  
22 that it may present some difficulty trying to see a lot  
23 of areas over a large geographic span within a  
24 relatively short period of time. So if the Board could  
25 consider doing that we could then advise the Board that

1 perhaps we wouldn't have time to see certain things and  
2 it would helpful to have some indication of which they  
3 would most like to see.

4           You had mentioned the issue of  
5 representatives of the other parties and I would just  
6 like to comment that, as I believe you are aware, there  
7 was some problem on the first site visit in contacting  
8 people who were to appear as representatives for some  
9 of the other parties and, in an effort to avoid that  
10 sort of situation again, we would ask that some clear  
11 identification be made of any parties that are to  
12 attend -- or any representatives rather to attend on  
13 behalf of the parties be provided to the Ministry as  
14 early as possible and we are asking for name, address  
15 and phone number so that contact can be made with these  
16 people to ensure that they are going to be whatever  
17 they are supposed to be at the appointed time in order  
18 to hookup with the site visit or whatever the procedure  
19 is to be.

20           I had some brief discussion with Mr.  
21 Castrilli with regard to efforts to expedite or to make  
22 easier attempts to identify locations on the ground  
23 which may be identified in submissions by the parties  
24 and we did have a discussion with regard to the  
25 possibility of having more specific maps available to



1 the parties so that they could indicate to the Ministry  
2 where on the ground they would like to go.

3 I am informed that in fact there are no  
4 forest management agreement areas within this region  
5 which was one consideration Mr. Castrilli had raised,  
6 but we will certainly make every effort to cooperate  
7 with other parties to get as clear an identification of  
8 on the ground sites as possible because it certainly is  
9 the best use of everybody's time if we can do that  
10 beforehand.

11 So what I would ask is if the parties in  
12 their submissions have particular areas they would like  
13 to go to as opposed to saying: We would like to see an  
14 example of a certain situation, if they have  
15 site-specific instances, if they would contact us and  
16 make arrangements to locate those areas as specifically  
17 as possible, it would be greatly appreciated.

18 We have already dealt with the mode of  
19 travel, so I won't go through that again. Essentially,  
20 as you will see...

21 THE CHAIRMAN: Excuse me one moment.

22 MS. BLASTORAH: We have provided the  
23 Board and I believe all the parties with a map which is  
24 an official road map of Ontario and on that we have  
25 indicated by a red line the boundaries of the area we

1       are proposing for the site visit. And we are  
2       essentially proposing two focus points for this site  
3       visit, Ottawa and Huntsville and, because of the large  
4       area, we are proposing to move out from those two areas  
5       rather than the single point of departure which was  
6       used last time.

7                   And because that's the case, and because  
8       these are urban areas that have ready access by road  
9       and air, we are proposing that the Ministry will  
10      provide transportation between those two points and  
11      that the parties get their representative to Ottawa,  
12      which is the first point we are proposing, we will  
13      transport the parties from Ottawa during the site visit  
14      and ending up in Huntsville, which is the second area  
15      we are proposing, and that the parties make  
16      arrangements to return their representative from  
17      Huntsville back to wherever they came from.

18                   So essentially we are saying that we will  
19      take care of transportation between the beginning and  
20      ending points and it is up to the parties to get their  
21      people to the beginning and away from the end,  
22      essentially.

23                   THE CHAIRMAN: Does that include the  
24      Board?

25                   MS. BLASTORAH: I am not sure on that,

1 Mr. Chairman, I must confess. I believe that that is  
2 the intention, that the Board is to provide its own  
3 accommodation to and from the beginning and ending  
4 points.

5 That proposal is set out in paragraph F  
6 of the Notice of Motion, although I don't believe it  
7 indicates particularly Ottawa and Huntsville, but I  
8 would advise the Board that those are the two areas we  
9 are proposing as likely candidate departure and return  
10 points. Certainly depending on what the Board  
11 ultimately decides they would like to see, those may  
12 not be the most convenient points, but they are sort of  
13 good starting points.

14 I think that is essentially the gist of  
15 what we intended to cover today.

16 The last request that I would make of the  
17 Board is that, because you are intending -- or you are  
18 hoping to have all the submissions in by early October,  
19 we would request that on the return in November the  
20 Board provide us with their choice of sites to be  
21 visited as soon as possible; that is, assuming we come  
22 back in November, or earlier if possible.

23 THE CHAIRMAN: We may be able to do that  
24 before October the 10th is when I am leaving the  
25 country, so it will give you extra time because I would

1        imagine if we do get in the suggestions by September  
2        30th, the Board can meet briefly and decide where we  
3        want to go.

4                    MS. BLASTORAH: That would certainly be  
5        the ideal situation because, as you are aware, the  
6        logistics of arranging one of these are difficulty and  
7        the more time we have, the more smoothly it will go.  
8        So that was my only other concern to get that  
9        information to the people who will have to do this as  
10       quickly as possible.

11                   One other point I should mention. The  
12       last site visit was -- the tour guide on the last site  
13       visit rather was Mr. Kennedy, as you may recall, and we  
14       will again be providing a Ministry representative to  
15       conduct the tour in the same manner and according to  
16       the same rules and we will again be providing a  
17       curriculum vitae for that person and there will be an  
18       introduction, we suggest the last day of the week  
19       before the site visit of the same type that we had  
20       before the -- an orientation type introduction as was  
21       given before the first site visit.

22                   And, again, a flight plan or itinerary of  
23       the type that was filed the first time -- provided to  
24       the parties the first time, will again be made  
25       available.



1 I think that's essentially my only  
2 submission unless any of the other parties have  
3 something they would wish to add.

4 THE CHAIRMAN: Mr. Cassidy?

5 MR. CASSIDY: Just a point of  
6 clarification on that last matter of the providing of  
7 the itinerary to the other parties, Mr. Chairman.

8 As happened in the Dryden visit I suspect  
9 that my clients will have various individuals attending  
10 for particular portions of the site visit and it will  
11 only be at the time of getting the itinerary that I  
12 will be able to provide the names because only then  
13 will I be able to know who from my clients will be  
14 attending.

15 So perhaps some mechanism could be  
16 devised between your advising the proponent of the  
17 locations and the time in which I have to advise them  
18 of our representatives and I would like to know what  
19 the itinerary is.

20 THE CHAIRMAN: All right. But will you  
21 be able to indicate to the Ministry the number of  
22 representatives of the organization that will be  
23 accompanying the Board so that they can make the  
24 necessary logistical arrangements, not necessarily the  
25 names until you have got the itinerary, but at least

1 the number.

2 MR. CASSIDY: I don't anticipate any  
3 difficulty advising the number. I think it will  
4 probably be one person per day or whatever, but in  
5 terms of the names, I will need to have the itinerary.

6 MS. BLASTORAH: Certainly, Mr. Chairman,  
7 our concern is to get that information at least some  
8 time in advance of starting out so that where we have  
9 to meet up with people, we can make arrangements to do  
10 so.

11 I don't think there will be any problem  
12 in dealing with that and perhaps if the parties  
13 anticipate any concern in that regard, they could  
14 contact us and we will undertake to make every effort  
15 to cooperate.

16 THE CHAIRMAN: Is there any indication  
17 from the parties here today as to which parties plan to  
18 send a representative.

19 MR. CASSIDY: I will be, my clients will  
20 be sending a representative.

21 THE CHAIRMAN: Mr. Campbell?

22 MR. CAMPBELL: I will be, Mr. Chairman,  
23 but I will deal with that in my written submissions.

24 THE CHAIRMAN: Very well. Mr. Castrilli?

25 MR. CASTRILLI: Mr. Chairman, I cannot

1       advise at this point in time whether we will be sending  
2       a representative or not.

3                   THE CHAIRMAN:   Mr. Williams?

4                   MR. WILLIAMS:   Mr. Chairman, it is the  
5       Federation's expectation that we will have one  
6       representative as we did last time.

7                   THE CHAIRMAN:   Are there any parties that  
8       wish to respond to that motion at this time?

9                   Mr. Campbell?

10                  MR. CAMPBELL:   Mr. Chairman, basically I  
11       guess if we are dealing with this in a formal way I  
12       would say that we are quite prepared to consent to the  
13       motion. There are some suggestions though that we  
14       would like to make.

15                  The first is that it would be extremely  
16       helpful to the parties and certainly to my client if  
17       MNR could indicate - and I am going to suggest some  
18       dates - could indicate with the maps, say, by September  
19       28th the areas which they propose should be seen during  
20       this site visit and if they can do it sooner, fine.

21                  I sort of assume they have an idea right  
22       now as to the sites that they would like to have seen  
23       visited.

24                  The material refers to a map - I don't  
25       believe we have seen a map yet - and this must be the

1       one that Ms. Blastorah referred to in her remarks. As  
2       I say, I don't recall receiving one with the Motion,  
3       but I may be wrong in that regard.

4                     In any event I don't think it was  
5       specific as to the specific sites and features that  
6       were being viewed and it would be extremely helpful if  
7       we had that information first and then I would suggest  
8       that, say, by October 5th parties be required to put in  
9       the hands of the Board their suggestions in addition to  
10      those suggestions that had been already distributed by  
11      MNR.

12                    THE CHAIRMAN: Would there be any  
13      objections just to backing that up slightly?

14                    MR. CAMPBELL: No, I picked -- that is a  
15      Wednesday, so the Board would have the Thursday and  
16      Friday before they left.

17                    THE CHAIRMAN: I do not know what our  
18      schedules are for that period.

19                    MR. CAMPBELL: I would have no problem  
20      with backing that up, it's just if we could have a day  
21      or so after the conclusion of the hearing on the 29th  
22      it might be helpful.

23                    THE CHAIRMAN: Well, put it this way:  
24      Would the Ministry have any difficulty in putting forth  
25      its suggestions as to what we should see and where by,



1 say, September 25th or thereabouts?

2 MS. BLASTORAH: Sorry, Mr. Chairman.

3 Mr. Chairman, the problem I have with  
4 that is the last time when we attempte to do that  
5 everyone complained. Essentially there was a problem  
6 the last time and a great many submissions as to the  
7 fact that people seem to feel we were trying to control  
8 the process by putting our submissions out first.

9 THE CHAIRMAN: No. Well, let's make it  
10 quite clear what the Board perceives this process to be  
11 with respect to site visits.

12 The Ministry is not going to control  
13 anything. The Board will decide what it wants to see  
14 based on suggestions made by the various parties, as  
15 well as suggestions by the Board itself, if the parties  
16 haven't suggested certain things or locations that the  
17 Board wishes to canvass.

18 And so by you suggesting up front what  
19 the Ministry would like the Board to see should not be  
20 taken by any party to indicate that you are trying to  
21 control the process. That simply will not be case. It  
22 will give everyone, I would suggest, a starting point  
23 upon which to base their own submissions and it may  
24 well be that what the Ministry suggests is agreed to or  
25 aspects of that is agreed to by several other parties,

1       and they simply will not have to repeat it, or they can  
2       repeat it, of course, in their own submissions to  
3       emphasize that it is also something that that  
4       individual party wishes the Board to see.

5                   MS. BLASTORAH: Mr. Chairman, just before  
6       I comment on our ability to do that, I would like to  
7       make a couple of points.

8                   Firstly, one of the problems we would  
9       encounter in providing a map of the type that was  
10      provided the last time was we are operating on a much  
11      longer time frame here, this is a site visit that is  
12      proposed for the end of November and it was difficult  
13      to project the last time perhaps a month, I believe it  
14      was, in advance what operations would be carried on  
15      where a month hence.

16                  This time we are dealing with several  
17      months and to make that kind of projection ahead of  
18      time is, accordingly, that much more difficult and, in  
19      fact, I think would probably be impossible to indicate  
20      exactly where certain operations will be carried on the  
21      end of November which is...

22                  THE CHAIRMAN: Could not the operations  
23      be made in a generic fashion such as a particular type  
24      of cut or a particular type of thing and then as we get  
25      closer to the time when we take it, the availability of

1       that particular operation, decisions being made on  
2       that.

3                   MS. BLASTORAH: I don't think we have any  
4       problem in providing our submissions at the end of  
5       September which was our original proposal. I guess my  
6       concern is that it would probably be more helpful if  
7       the parties would indicate what sort of thing they are  
8       looking for and we could provide them with locations  
9       where that is happening or has happened. And if they  
10      didn't feel those were satisfactory, perhaps they could  
11      indicate to us, but --

12                  THE CHAIRMAN: All right. Why don't we  
13      leave it like this, you know, without getting into  
14      debate back and forth. Why don't the parties - most of  
15      the parties here are the parties who are here on a  
16      regular basis - consult with the Ministry informally  
17      over the next week or so, indicate as best they can  
18      some types of activities they would like the Ministry  
19      to give consideration to as to whether or not those  
20      activities are available or will be within the time  
21      frame, and then the Ministry gear itself up towards  
22      producing its suggestions by around September 25th.

23                  MS. BLASTORAH: Not to belabour the  
24      point, Mr. Chairman, I think that if the parties could  
25      contact us and attempt to have us assist them in

1 identifying, for instance, certain types of activities  
2 or past activities or effects that they would like to  
3 see, we could perhaps do that so that everyone could  
4 have -- I don't see any reason why the parties couldn't  
5 then give their submissions at the same time as the  
6 Ministry.

7                   The timing of the various submissions  
8 doesn't seem to really affect how that would be done  
9 because we did provide a detailed map the last time and  
10 my understanding is that it was not really used. We  
11 went to some considerable effort to do that and we  
12 were -- the responses we got were essentially: we  
13 would like to see an example of this type of effect or  
14 this type of operation without comment on the map or  
15 the parties did have site-specific instances that they  
16 wanted to have the Board view and, in that case, the  
17 map was of no use to them because they did know what  
18 they wanted to see.

19                   So if that is the sort of submission that  
20 the parties are intending to make again, those sort of  
21 site-specific examples don't really need our assistance  
22 except with regard to locating them on the ground, as I  
23 mentioned before. And with regard to generic-type  
24 effects or operations, we would be happy to discuss  
25 with the parties where we might locate those and then



1 the parties could make that part of their submission  
2 which might be the most expeditious way of dealing with  
3 this.

4 THE CHAIRMAN: Well, okay. Let's get  
5 back to Mr. Campbell.

6 Do you have any further submissions, Mr.  
7 Campbell?

8 MR. CAMPBELL: Yes, I do. Thank you, Mr.  
9 Chairman.

10 Mr. Chairman, with respect I really do  
11 think it is helpful if the Ministry, who is after all  
12 the one who has proposed this site visit, would give us  
13 some idea of what in heaven's name they had in mind for  
14 us to see. Before we started this process, it would be  
15 extremely helpful.

16 My perception of the problem last time  
17 was that ourselves and other parties had an expectation  
18 that prior to it being formally discussed in front of  
19 the Board, there would be some discussion informally  
20 with the parties, that simply did not happen.

21 Now, again, it seems to me that a simple  
22 proposition is being made unnecessarily complicated.  
23 MNR is proposing this matter, let's have some idea why  
24 they are proposing it, what it is they want the Board  
25 to see and it will make it very much simpler, in my

1        submission, for the parties to meaningfully make  
2        suggestions. And that's really all I have to say on  
3        that matter.

4                    The dates I am less concerned about. If  
5        MNR can do that and then have several days in which  
6        parties could consult with their clients and then make  
7        their suggestions in addition, in my submission, that  
8        would be helpful and more productive of everyone's  
9        time.

10                   Now, the second area I want to touch on,  
11        Mr. Chairman, is one that I have raised before and I  
12        will raise it again in the planning of this site visit.  
13        It is virtually impossible for any other parties, other  
14        than MNR, with the possible exception the industry, but  
15        other than those two parties it is virtually impossible  
16        for any party to say: We are concerned about this  
17        kind -- we are concerned about the negative  
18        environmental effects of timber management practices if  
19        improperly carried out.

20                   It is, in my submission, quite  
21        inappropriate to put an onus on us or on any other  
22        parties to identify specific sites of that nature. If  
23        it is the position of Ministry of Natural Resources  
24        that there is no such thing as a site on which there is  
25        a short or long-term negative environmental effect,

1       then that's fine, let them say so. I doubt that that  
2       is a sustainable position.

3               If my perception is correct around that  
4       issue, it is my submission that there is an onus and I  
5       would ask the Board to order that MNR identify as part  
6       of its site visit identification process sites of that  
7       type. This is the kind of thing they should be able to  
8       say that we want this planning process and we want our  
9       management to avoid happening. We want to illustrate  
10      to you the kinds of problems that can happen and that  
11      our management process, our control of activities, our  
12      planning process is designed to avoid.

13             In my submission, that is a fair request  
14      to the Ministry. We all recognize that despite the  
15      best management system in the world, the best efforts  
16      at field control, that there will be problem areas and,  
17      in my submission, the onus is on the proponent in this  
18      case, because the knowledge is uniquely in the  
19      proponent's records and in the proponent's management  
20      to be able to identify areas of that type and...

21             MRS. KOVEN: I think there would be some  
22      onus on the Ministry of the Environment, as well, Mr.  
23      Campbell. I think your Ministry probably has very good  
24      information about specific areas where there have been  
25      problems affecting the environment from timber

1 management.

2 MR. CAMPBELL: I think there would be  
3 certainly some areas of that type, but in terms of the  
4 activities, we have just heard Ms. Koven from the  
5 Ministry counsel, Ms. Blastorah, that they are unable  
6 to project even two months ahead in terms of the  
7 effects of operations.

8 MS. BLASTORAH: Mr. Chairman, that's not  
9 what I said. I said we were unable to project  
10 accurately two months hence what operations would be  
11 carried on in what specific area, I did not refer to  
12 impacts or...

13 MR. CAMPBELL: All right, I accept that.  
14 In terms of operations ongoing, that is something that  
15 is uniquely within the Ministry's knowledge, perhaps  
16 with the exception of the industry as well.

17 My point though is a simple one: Is that  
18 in terms of the management being designed to avoid  
19 certain effects, it is the Ministry that is the  
20 proponent and, in my submission, there is an onus on  
21 the Ministry to identify areas where the kinds of  
22 effects that they are concerned about are observable  
23 and I would ask that they be requested to do that in  
24 this and all future site visits.

25 MRS. KOVEN: You weren't around for the



1 planning of the first site visit, Mr. Campbell. In  
2 fact, all arguments that were made were quite the  
3 opposite direction, people were very concerned about  
4 the manipulation of the site visit by the Ministry.

5 MR. CAMPBELL: I remain -- I make no  
6 comments on that one way or the other. That may have  
7 been a concern. I have the particular concern that an  
8 ability to identify specific sites on the ground, there  
9 is a huge difference in the ability of other parties as  
10 opposed to the Ministry to do that.

11 After all, the Ministry is the one that  
12 is responsible for the management of that land, as we  
13 have heard throughout this case.

14 MRS. KOVEN: I don't disagree with that.  
15 I think the Ministry can identify thousands of sites  
16 that we might look at in this huge area.

17 But I guess all I'm saying is I think the  
18 other parties have a responsibility to select very  
19 specific examples.

20 MR. CAMPBELL: I don't disagree with that  
21 at all, Ms. Koven, I just say that in addition to that,  
22 this proponent, because time after time, as we have  
23 heard in these proceedings, are unable to answer  
24 specific questions at a management unit level, although  
25 we are assured that that knowledge is available at a

1 management unit level.

2 If that's the position they are taking  
3 then it is my submission they have a strong onus to  
4 identify, because the knowledge is, as they say,  
5 uniquely theirs, to identify those areas where  
6 undesirable effects have occurred.

7 Now, that said, the only other matters I  
8 want to deal with are two. I note we have a  
9 commencement date for the 21st. I didn't know whether  
10 there was a return date to Huntsville set now, but it  
11 would be helpful to have that as soon as possible so  
12 that travel arrangements can be made. Huntsville is  
13 not blessed with Toronto International Airport.

14 THE CHAIRMAN: How many days were you  
15 suggesting?

16 MS. BLASTORAH: Mr. Chairman, I omitted  
17 to indicate we are suggesting four days.

18 MRS. KOVEN: So that is four complete  
19 site visit days and returning on the fifth day?

20 MS. BLASTORAH: I think it is four days  
21 in total, Mrs. Koven. I understand that that was to  
22 include the transportation from there.

23 Perhaps I could check with Ms. Murphy and  
24 confirm that.

25 MR. CAMPBELL: It is not something we

1        need to know today, it would just be helpful to know  
2        approximately what time the - if I can put it that  
3        way - the drop off in Huntsville will be so that travel  
4        arrangements can be put in place.

5                    And finally I can advise that Mr.  
6        Sutterfield will be attending on the site visit. If  
7        there is anyone else, we will let MNR know at an early  
8        date and I can give my friend, Ms. Blastorah, Mr.  
9        Sutterfield's telephone number.

10                   THE CHAIRMAN: Mr. Cassidy?

11                   MR. CASSIDY: Mr. Chairman, this  
12        submission by Mr. Campbell that somehow there is a  
13        unique knowledge within MNR and possibly, he said, the  
14        industry of site-specific examples of whatever he is  
15        looking for, I just don't accept that and my clients  
16        and I just want to note, as I am sure you do, without  
17        getting into a long discussion, the parties in this  
18        room right now all have experts either sitting beside  
19        them today or people who are knowledgeable in the field  
20        that they consult from time to time.

21                   Mr. Williams here, his clients -- his  
22        association claims memberships in the hundreds of  
23        thousands, I believe; Mr. Castrilli's membership --  
24        his various groups also contains large numbers.

25                   I do not accept that there is unique of

1 on-the-ground experience and I think any of the parties  
2 here who are sitting here probably feel the same way.  
3 Everybody has site-specific knowledge and I think that  
4 they are all quite prepared, as they were the last  
5 time, to point out specific areas.

6 MR. CASTRILLI: Mr. Chairman, I presume I  
7 will get my opportunity?

8 THE CHAIRMAN: You will.

9 MR. CASTRILLI: Before, Ms. Blastorah,  
10 replies.

11 THE CHAIRMAN: Perhaps, Ms. Blastorah, we  
12 if could hear from the other parties first and then  
13 come back you in response.

14 MS. BLASTORAH: Sorry. Given my  
15 discussions with Mr. Castrilli, I didn't realize he  
16 wished to make submissions.

17 THE CHAIRMAN: Okay. I know Mr. Williams  
18 also wants to make some comments.

19 Mr. Williams, and then we will get back  
20 to you, Mr. Castrilli.

21 MR. CASTRILLI: Fine. My comments will  
22 be very brief.

23 MR. WILLIAMS: Just three or four  
24 comments, Mr. Chairman.

25 Ms. Blastorah talked about the



1 difficulties that were experienced the last time in  
2 failure for all parties to clearly identify who their  
3 representative would be attending at the site visits.

4 I know that on our part we sent a letter  
5 designating specifically the name, address and telephone  
6 number of our representative with due dispatch. In  
7 that given situation, however, it appears there was a  
8 breakdown in communication because I am advised that  
9 our representative as identified had to initiate  
10 contact, notwithstanding, with the Ministry.

11 And so I am only suggesting it has to be  
12 a two-way line of communication there. We have  
13 certainly done our part in that regard and will do so  
14 again.

15 With regard to the representative that we  
16 will be sending, we will in all likelihood be following  
17 the same pattern as before in that we will be, for cost  
18 effective and other reasons, be utilizing the input of  
19 local representatives of our Federation and, in all  
20 likelihood in this instance, I can't make that  
21 determination on behalf of our Federation at this time,  
22 but in all likelihood, our representative who would be  
23 attending would be from the Ottawa area, so it would  
24 have some bearing on our part from a cost point of view  
25 as to whether the undertaking or the site visit was

1 initiated from the Ottawa side or the Huntsville side  
2 of the four-day visit period.

3 I have just had the word whispered to me  
4 that it would be Ottawa. If that was the case, if  
5 that's where we are starting out, I didn't catch that  
6 in Ms. Blastorah's comments, then I think that would be  
7 helpful to us.

8 The reference was made again to the  
9 advisability and appropriateness of an orientation  
10 session which we have no argument with, but I gather  
11 that would be made from -- or the orientation session  
12 would take place, as I gathered from Ms. Blastorah's  
13 comments on the concluding day of the week preceding  
14 the site visit which would, in all likelihood, be  
15 taking place here in Thunder Bay.

16 And given that our representative would  
17 be other than myself, and I would expect if any of us  
18 are here it would be myself, that there would be some  
19 break in continuity in that our representative would  
20 not have the benefit of that orientation session.

21 From having read some of the notes from  
22 the first session, however, is my understanding correct  
23 that there is a mini-orientation session at the first  
24 day of the undertaking.

25 THE CHAIRMAN: There was the last time,

1       there was about --

2                   MRS. KOVEN:  It took 20 minutes, Mr.  
3       Williams.

4                   MR. WILLIAMS:  And it is really a  
5       capsulization of what transpires in the main  
6       orientation session here so our representative would be  
7       plugged into what it is all about before embarking on  
8       the actual site visit.

9                   THE CHAIRMAN:  That's right.

10                  MR. WILLIAMS:  Okay, thank you.

11                  Just the last point again.  Mr. Chairman,  
12       I didn't think we would be in the position again this  
13       time of parties getting exorcised over who did what  
14       first by way of making suggestions to the Board.

15                  I know that there is certain onus on the  
16       proponent and various degrees of onus and  
17       responsibility have been suggested by parties, but it  
18       is my understanding that while they are initiating a  
19       motion process, I think it is really being done on the  
20       understanding that really it is at the behest or  
21       intention of the Board that you would be making site  
22       visits on more than one occasion throughout the  
23       hearings and really it is the Board that wants to  
24       undertake the site visits and its an accommodation to  
25       all parties that they be allowed to attend.

1           I guess it is prompting the proponent to  
2     try to accommodate the Board's interest in this regard  
3     by initiating the motions, but it seems to me that  
4     bearing that in mind, I think all the parties have an  
5     equal obligation to try jto assist the Board in making  
6     these determinations as to the appropriate locations,  
7     activities and items of interest, and that they want to  
8     be seen that you would want to try to crystallize what  
9     all of us have to stay as to who goes first and  
10    submitting that information I think becomes irrelevant.

11           I think we should all be getting our  
12    information in to you as quickly as possible and, while  
13    some of us may have more information than others that  
14    will assist us in making those determinations, I am  
15    sure that it is not a question of you go first type of  
16    approach or attitude that you want here.

17           I think we should all get on with the job  
18    and try to get this information in to you to assist you  
19    as well in your planning at the earliest opportunity.

20           I think that's all I have to say, Mr.  
21    Chairman.

22           THE CHAIRMAN: Thank you, Mr. Williams.  
23           Mr. Castrilli?

24           MR. CASTRILLI: Mr. Chairman, I can speak  
25    from here.



1                   I just have one question of  
2       clarification. As I understood Ms. Blastorah's  
3       comments, the site visit would commence out of Ottawa  
4       on November 21st and would terminate in Huntsville on  
5       four days thereafter and I presume, therefore, that  
6       transportation to Ottawa and from Huntsville will be  
7       borne by the parties that would be attending; is that  
8       correct?

9                   MS. BLASTORAH: That was our proposal,  
10      Mr. Chairman. Of course that was only a proposal. We  
11      are not saying that it is going to be from Ottawa --  
12      starting in Ottawa and ending in Huntsville that, of  
13      course, is up to the Board. That was our proposal as  
14      to what would be a likely...

15                  THE CHAIRMAN: Are we going to be using  
16      Ministry aircraft on this site visit as opposed to  
17      commercially chartered aircraft; do you know?

18                  MS. BLASTORAH: My upstanding, although  
19      in my conversation with Ms. Murphy with regard to this,  
20      she did indicate some fixed wing aircraft might be  
21      required and I believe her thought there was that it  
22      might be necessary to use flotation-type fixed wing  
23      craft, that sort of thing.

24                  THE CHAIRMAN: Is that any of that  
25      aircraft based in Toronto and originating from Toronto?

1 MS. BLASTORAH: One moment, Mr. Chairman.

2 About all I can advise the Board at this  
3 point is that I believe our intention was to use some  
4 Ministry aircraft, again it depends on numbers. That  
5 we frankly were just seeking directions today and  
6 weren't expecting to have to address those kinds of  
7 questions.

8 THE CHAIRMAN: All right. Well, I think  
9 the Ministry should give some consideration that if we  
10 are using aircraft that's originating from Toronto and  
11 Ministry aircraft for the site visit, that it might be  
12 just as convenient to have the parties originating in  
13 Toronto, travel to the commencement point in that  
14 fashion as opposed to going separately and booking  
15 commercial flights. That is just a suggestion.

16 MS. BLASTORAH: That is something we will  
17 certainly take into consideration, Mr. Chairman.

18 THE CHAIRMAN: It may cut down the cost.

19 MS. BLASTORAH: We appreciate that.

20 THE CHAIRMAN: To some extent, to some of  
21 the other parties who are less able to bear those kinds  
22 of cost.

23 MS. BLASTORAH: That's fine, Mr.  
24 Chairman. I am not sure at this point which aircraft  
25 will be used and where they will originate from, but we

1 will take that into consideration and make an effort in  
2 that regard.

3 If there are no other comments from the  
4 other parties...

5 MR. CASTRILLI: I wasn't finish.

6 MS. BLASTORAH: Oh, I beg your pardon,  
7 Mr. Castrilli.

8 MR. CASTRILLI: That's why I was still  
9 standing.

10 THE CHAIRMAN: If you give up the podium,  
11 Mr. Castrilli, you sometimes come second.

12 Go ahead.

13 MR. CASTRILLI: I'm sorry. I am speaking  
14 to page 3 of the Notice of Motion, accommodation and  
15 meals throughout, I presume, will be borne by the  
16 parties; is that correct?

17 MS. BLASTORAH: That's correct, Mr.  
18 Chairman.

19 MR. CASTRILLI: And that's the same  
20 situation as last time?

21 MS. BLASTORAH: That's right.

22 MR. CASTRILLI: The only other point I  
23 wish to make, and as I indicated before, at this point  
24 in time I cannot advise the Board whether we will be  
25 able to send a representative or not for all of or

1 part of the trip; that was the same situation as last  
2 time.

3 Just with respect to the post-Board  
4 decision as to where in fact the parties would be going  
5 and where the Board would be going on the site visit, I  
6 just wanted to indicate that with respect to Ms.  
7 Blastorah's comments, based on our discussion prior to  
8 the resumption of the session with the Board this  
9 morning, the situation with mapping of exactly where  
10 some of my clients, for example, might indicate to be  
11 areas to go is something that I would urge the  
12 Ministry - and I understand Ms. Blastorah has indicated  
13 she will make her best efforts in this regard - but I  
14 would just underscore that concern.

15 It was somewhat some difficulty for the  
16 Ministry's representatives to understand exactly where  
17 my representative was indicating this particular place  
18 was to be found and it actually absorbed quite a lot of  
19 time in nailing that down.

20 The map we had last time was a good map,  
21 still was inadequate for the purposes of identifying  
22 dirt roads, for example.

23 THE CHAIRMAN: Well, I understand we are  
24 using a provincial map that contains roads on it this  
25 time round; is that not correct?



1 MR. CASTRILLI: Paved roads.

2 MS. BLASTORAH: Well, that's the map we  
3 have provided to the parties. Certainly we would be  
4 more than happy to look at any maps they wish to  
5 provide us and if they are having trouble locating any  
6 on-the-ground site that they wish to see, as I  
7 indicated to Mr. Castrilli during the break and, again,  
8 as I commented on before, we will make every effort to  
9 cooperate with the parties to identify locations as  
10 specifically as possible to avoid the type of situation  
11 we got into on the first site visit.

12 MR. CASTRILLI: I appreciate Ms.  
13 Blastorah's comments and I just wanted to underscore  
14 that it would certainly aid all involved if we had the  
15 best available map, once the Board has made its  
16 decision as to where it wishes to go.

17 Those are my comments.

18 THE CHAIRMAN: Thank you.

19 Ms. Blastorah?

20 MS. BLASTORAH: Mr. Chairman, I am a  
21 little distressed that this is taking much longer than  
22 I had anticipated.

23 THE CHAIRMAN: It will not take very much  
24 longer, I can assure you.

25 MS. BLASTORAH: Certainly our thinking

1       was that the first site visit, my understanding was,  
2       went quite well and we had thought we would essentially  
3       do the same thing again.

4                       Whether that is going to be the case or  
5       not is, of course, up to the Board but I would just  
6       like to agree with Mr. Williams' suggestion that -- I  
7       mean, the parties that are here obviously have specific  
8       concerns or they would not be here, or general  
9       concerns. They have some kind of concerns about  
10      particular effects or impacts of the proposed  
11      undertaking.

12                     And, as Mr. Williams also indicated, the  
13      site visits are essentially at the Board's instance.  
14      We are not attempting to run these site visits, as you  
15      noted and...

16                     THE CHAIRMAN: You are just the  
17      facilitator.

18                     MS. BLASTORAH: We are the facilitators  
19      and, as we are the ones that have to provide the  
20      transportation and so on, we are trying to organize  
21      things a little bit, that's all.

22                     But, you know, I do take some exception  
23      to Mr. Campbell's remarks as did Mr. Cassidy, that we  
24      are the only ones with information. As I indicated,  
25      obviously the parties have concerns about impacts and

1        what I had suggested was - and what happened the last  
2        time was - we were provided with specific types of  
3        generic concerns in many instances.

4                    For instance, we would like to see an  
5        example of, you know, negative impacts on water  
6        crossings, that sort of thing. And we need that kind  
7        of at least general direction if we are to help the  
8        parties in locating those sorts of instances. As Mrs.  
9        Koven indicated, to give a comprehensive list of every  
10       possible negative impact or positive impact within the  
11       area proposed for the site visit, would be not an  
12       onerous task, but I would submit, impossible. So we  
13       would appreciate any direction we can get and I think  
14       that really it is not encumbent on us to advise the  
15       parties of things they might like to see.

16                   And in that regard I would just add the  
17       comment that I believe you yourself indicated, Mr.  
18       Chairman, last time that you felt our submissions made  
19       were quite fair and we did make every effort to give  
20       examples of both negative and positive aspect of the  
21       effects of the undertaking as it is carried out and  
22       certainly we don't intend to try and railroad anyone on  
23       this, it is not up to us in any event.

24                   THE CHAIRMAN: Plus, I think the parties  
25       will agree that the Board's ultimate choices of

1        locations and activities took into account the concerns  
2        expressed by all parties.

3                    MS. BLASTORAH: I think that's very true,  
4        Mr. Chairman, and I guess my comment is that without  
5        those expressions of concern we are kind of at a loss  
6        as to what we should see and I think the Board would be  
7        in the same position.

8                    THE CHAIRMAN: Okay. Well, unless you  
9        have anything substantive--

10                   MS. BLASTORAH: I think that's all, Mr.  
11        Chairman.

12                   THE CHAIRMAN: --I was going to suggest  
13        that the Board will retire for no more than ten  
14        minutes, come back, issue its order on the record which  
15        will be transcribed and, accordingly, the transcripts  
16        can be used, I suppose, as the method of conveying to  
17        those outside of the hearing what the process will  
18        encompass and it will obviate the necessity of us  
19        having to send out a specific notice to everybody on  
20        the notice list.

21                   MS. BLASTORAH: Yes, Mr. Chairman.

22                   Just one last comment before you retire.  
23        You did mention September 25th as a possible date by  
24        which the Ministry would be required to put in its  
25        submissions and I would just like to add the caveat



1       that the people who will be involved in doing that are  
2       not here today and I haven't had an opportunity to  
3       speak to them, so whether or not that is possible, I am  
4       afraid I can't comment on today.

5                       Thank you.

6                       THE CHAIRMAN:   Okay.   We will be back in  
7       ten minutes.

8       ---Recess taken at 11:23 a.m.

9       ---Upon resuming at 12:00 p.m.

10                      THE CHAIRMAN:   Thank you, ladies and  
11       gentlemen, please be seated.

12                      Ladies and gentlemen, the Board has now  
13       considered the submissions made relative to Ms.  
14       Blastorah's motion concerning the proposed site visit  
15       and it is now prepared to deliver the following order  
16       in connection therewith.

17  
18                      ORDER Re:   SITE VISIT

19  
20                      It will read as follows:

21                      (1)   During the next two weeks the  
22       parties and the Ministry of Natural Resources are  
23       directed to consult informally as to what activities  
24       and locations should be viewed within the area of the  
25       proposed site visit which is scheduled to commence

1 November 21st, 1988. In this regard, the Ministry of  
2 the Environment shall also use its resources to assist  
3 the other parties and the Ministry of Natural Resources  
4 in identifying areas of concern.

5 (2) By September 26th, the Ministry of  
6 Natural Resources will provide the Board and all  
7 parties receiving full-time correspondence with its  
8 proposed list of activities and their locations for the  
9 Board to consider and, at that time, the Ministry shall  
10 provide parties with copies and existing maps related  
11 to the proposed site visit.

12 (3) By October 5th, all parties will  
13 submit to the Board and the Ministry of Natural  
14 Resources their proposed lists for consideration by the  
15 Board.

16 (4) The Board will direct the Ministry  
17 of Natural Resources shortly thereafter as to the  
18 activities and locations that the Board would like to  
19 visit and the Ministry shall thereupon plan the site  
20 visit accordingly.

21 In connection therewith, after receiving  
22 directions from the Board, the Ministry of Natural  
23 Resources will distribute a final itinerary by October  
24 25th, 1988 for distribution to the parties.

25 (5) Parties who wish to send a

1 representative on the site visit will provide the Board  
2 and the Ministry with the name, address and telephone  
3 number of their representatives or contact persons by  
4 November 1st, 1988. Indications of whether or not a  
5 representative will be in attendance should be  
6 communicated to the Ministry of Natural Resources and  
7 the Board by October 15th, 1988.

8 And we have constructed those two  
9 paragraphs to take into account that prior to the  
10 the area proposed for the site visit, would be  
11 not an onerous task, but I would submit, impossible.  
12 So we would appreciate any direction we can get and I  
13 think that really it is not incumbent on us to advise  
14 the parties of things they might like to see.

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16 comment that I believe you yourself indicated, Mr.  
17 Chairman, last time that you felt our submissions made  
18 were quite fair and we did make every effort to give  
19 examples of both negative and positive aspect of the  
20 effects of the undertaking as it is carried out and  
21 certainly we don't intend to try and railroad anyone on  
22 this, it is not up to us in any event.

23 THE CHAIRMAN: Plus, I think the parties  
24 will agree that the Board's ultimate choices of  
25 locations and activities took into account the concerns

1       expressed by all parties.

2               MS. BLASTORAH: I think that's very true,  
3       Mr. Chairman, and I guess my comment is that without  
4       those expressions of concern we are kind of at a loss  
5       as to what we should see and I think the Board would be  
6       in the same position.

7               THE CHAIRMAN: Okay. Well, unless you  
8       have anything substantive--

9               MS. BLASTORAH: I think that's all, Mr.  
10      Chairman.

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13      minutes, come back, issue its order on the record which  
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16      those outside of the hearing what the process will  
17      encompass and it will obviate the necessity of us  
18      having to send out a specific notice to everybody on  
19      the notice list.

20              MS. BLASTORAH: Yes, Mr. Chairman.

21              Just one last comment before you retire.  
22      You did mention September 25th as a possible date by  
23      which the Ministry would be required to put in its  
24      submissions and I would just like to add the caveat  
25      that the people who will be involved in doing that are



1 not here today and I haven't had an opportunity to  
2 speak to them, so whether or not that is possible, I am  
3 afraid I can't comment on today.

4 Thank you.

5 THE CHAIRMAN: Okay. We will be back in  
6 ten minutes.

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21 directions from the Board, the Ministry of Natural  
22 Resources will distribute a final itinerary by October  
23 25th, 1988 for distribution to the parties.

24 (5) Parties who wish to send a  
25 representative on the site visit will provide the Board

1 and the Ministry with the name, address and telephone  
2 number of their representatives or contact persons by  
3 November 1st, 1988. Indications of whether or not a  
4 representative will be in attendance should be  
5 communicated to the Ministry of Natural Resources and  
6 the Board by October 15th, 1988.

7 And we have constructed those two  
8 paragraphs to take into account that prior to the  
9 parties having to decide as to whom will be in  
10 attendance, they will have had the opportunity of  
11 seeing the final itinerary.

12 (6) The cost of transportation to and  
13 from the commencement and termination points chosen for  
14 this visit, together with accommodation and meals, will  
15 be borne by the parties respectively.

16 MR. CASTRILLI: Mr. Chairman, my  
17 apologies, I didn't hear the last part of Item 5. The  
18 part I had was: Parties must provide name, address and  
19 telephone number of any representative they may be  
20 intending to send on the site visit by September 1st?

21 THE CHAIRMAN: That's right. We are  
22 suggesting by November 1st, or their contact person and  
23 we are also suggesting that an indication should be  
24 given to the Ministry so that they can plan  
25 logistically what size aircraft and what size vehicles

1       they will need by October 15th as to whether any of the  
2       parties intend to send a representative.

3               We appreciate that you may not know who  
4       that representative is until you have seen the chosen  
5       locations for the site visit and this will occur  
6       presumably before November the 1st.

7               MR. CASTRILLI:   So that if I understand,  
8       the Board will be indicating where it intends to go by  
9       what date?

10              THE CHAIRMAN:   Shortly after October the  
11       5th.

12              MR. CASTRILLI:   I see, okay.

13              THE CHAIRMAN:   We will be further  
14       directing the Ministry at that time as to where those  
15       locations will be and directing the Ministry to prepare  
16       the final itinerary and send it out to the parties on  
17       the full-time correspondence list.

18              Now, as with the previous site visit, the  
19       first one, there may well have to be some final  
20       adjustments towards the end as we get closer to  
21       November 21st because of the availability of various  
22       activities occurring at that particular point in time,  
23       but we will have to make those adjustments at that  
24       time.

25              The Board will undertake to distribute



1 copies of this Order to all parties on the full-time  
2 correspondence list forthwith.

3 Ladies and gentlemen, that concludes the  
4 Board's Order.

5 MR. CASSIDY: Mr. Chairman, just a point  
6 of clarification. Could the Ministry of Natural  
7 Resources indicate who the contact person is that we  
8 are to have these informal discussions with, because I  
9 just may have my representative do that.

10 MS. BLASTORAH: Mr. Chairman, I can  
11 advise that Ms. Murphy will be looking after the site  
12 visit again this time. So that anyone can contact her  
13 at our office in Thunder Bay and the phone number there  
14 is 345-6883. The office is just across the street in  
15 the Thunder Bay Hydro Building.

16 THE CHAIRMAN: Sorry, 345-...?

17 MS. BLASTORAH: 6338. The office is  
18 across the street in the Thunder Bay Hydro Building on  
19 the 6th floor.

20 MR. WILLIAMS: Just a further  
21 clarification on that point, Mr. Chairman. Who is to  
22 take the initiate in setting up the initial informal  
23 dialogue?

24 THE CHAIRMAN: Well, we are directing all  
25 parties. So it is equally applicable to everybody.

1                   MR. WILLIAMS: I don't want to be sitting  
2 back and everybody expecting to hear from the other  
3 party.

4                   THE CHAIRMAN: Okay.

5                   MR. WILLIAMS: I understood that the  
6 Ministry would at least take that initiative.

7                   MR. CAMPBELL: I will undertake to  
8 convene a meeting.

9                   MR. MARTEL: In Toronto.

10                  THE CHAIRMAN: All right. The idea  
11 behind that directive is, we want as much input as  
12 possible, we are not leaving it to the possibility that  
13 there might be indirect consultation, we are directing  
14 all the parties that that shall occur in the next two  
15 weeks.

16                  We are going to leave it to all of you to  
17 figure out how that might occur and we have full  
18 confidence that you will all be able to manage that  
19 task.

20                  MR. WILLIAMS: I just have one question,  
21 Who can afford the phone call?

22                  THE CHAIRMAN: Well, we are not going to  
23 get into that.

24                  Ladies and gentlemen, we will now adjourn  
25 until next Wednesday at 1:00 p.m.

1 Thank you.

2 ---Whereupon the hearing adjourned at 12:10 p.m., to be  
3 reconvened on Wednesday, September 14th, 1988,  
4 commencing at 1:00 p.m.

5  
6  
7 (Copyright, 1985)









